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United Nations

# Report of the Conference on Disarmament

## General Assembly

Official Records • Forty-ninth Session
Supplement No. 27 (A/49/27)

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NOTE

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# I. INTRODUCTION

1. The Conference on Disarmament submits to the forty-ninth session of the United Nations General Assembly its annual report on its 1994 session, together with the pertinent documents and records.

# II. ORGANIZATION OF WORK OF THE CONFERENCE

## A. 1994 Session of the Conference

2. The Conference was in session from 25 January to 31 March, 16 May to 1 July and 25 July to 7 September 1994. During this period, the Conference held 27 formal plenary meetings, at which member States as well as non-member States invited to participate in the discussions set forth their views and recommendations on the various questions before the Conference.

3. The Conference also held four informal meetings on its agenda, programme of work, organization and procedures, as well as on items of its agenda and other matters.

4. In accordance with rule 9 of the rules of procedure, the following member States assumed successively the Presidency of the Conference: France, Germany, Hungary, India, Indonesia and the Islamic Republic of Iran.

## B. Participants in the Work of the Conference

5. Representatives of the following member States participated in the work of the Conference: Algeria; Argentina; Australia; Belgium; Brazil; Bulgaria; Canada; China; Cuba; Egypt; Ethiopia; France; Germany; Hungary; India; Indonesia; Islamic Republic of Iran; Italy; Japan; Kenya; Mexico; Mongolia; Morocco; Myanmar; Netherlands; Nigeria; Pakistan; Peru; Poland; Romania; Russian Federation; Sri Lanka; Sweden; United Kingdom of Great Britain and Northern Ireland; United States of America; Venezuela and Zaire.

## C. Agenda and Programme of Work for the 1994 Session

6. At the 666th plenary meeting on 25 January 1994, the President read out a statement on the agenda and organization of work for the 1994 session in conformity with the rules of procedure. The text of the Presidential statement (CD/1239) reads as follows:

"(1) There is an understanding in the Conference that, at the outset of its 1994 session, the Conference decides, pending the conclusion of its consultations on the review of this agenda and without prejudice to their outcome, to adopt as its agenda the agenda of its 1993 session:

1. Nuclear test ban.

2. Cessation of the nuclear arms race and nuclear disarmament.

3. Prevention of nuclear war, including all related matters.

4. Prevention of an arms race in outer space.

5. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

6. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

7. Comprehensive programme of disarmament.

8. Transparency in armaments.

9. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations.

"(2) The Conference further agrees, without prejudice to any future decisions on the organizational framework of other items, to begin its work immediately on: 'Nuclear test ban', 'Prevention of an arms race in outer space', 'Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons' and 'Transparency in armaments'. For this purpose, the Conference establishes Ad Hoc Committees on these items with the following mandates:

- Nuclear test ban (doc. CD/1238);
- Prevention of an arms race in outer space (doc. CD/1125);
- Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (doc. CD/1121);
- Transparency in armaments (doc. CD/1150).

"(3) The Conference also decides, in the framework of agenda item 2, entitled 'Cessation of the nuclear arms race and nuclear disarmament', to appoint, as a first step, a Special Coordinator to seek the views of its members on the most appropriate arrangement to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. It further requests the Special Coordinator to report on the progress of his consultations before the end of the first part of the session.

"(4) The Conference also recalls its decision to intensify its consultations on its improved and effective functioning, including its decision to carry out consultations on the issues of its membership and agenda. For this purpose, I confirm that I shall appoint two Special Coordinators to conduct consultations on the issues of membership and agenda respectively."

7. In accordance with the Presidential statement, at the 668th plenary meeting on 1 February 1994, the Conference decided to appoint Ambassador Gerald Shannon of Canada as Special Coordinator to seek the views of its members on the most appropriate arrangement to negotiate a non-discriminatory, multilateral and internationally and effectively

verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. At the same plenary meeting the Conference also decided to appoint Ambassador Lars Norberg of Sweden as Special Coordinator for the issue of review of its agenda.

8. At the 675th plenary meeting on 17 March 1994, the President informed the Conference of the appointment of Ambassador Luiz Felipe Lampreia of Brazil as Friend of the Chair on the question of expansion of the membership of the Conference. The appointment was confirmed by succeeding Presidents.

## D. Attendance and Participation of States not Members of the Conference

9. In conformity with rule 32 of the rules of procedure, the States not members of the Conference listed under the following paragraph attended its plenary meetings.

10. The Conference received and considered requests for participation in its work from States not members of the Conference. In accordance with the rules of procedure and its decision taken at its 1990 session on its improved and effective functioning (CD/1036), the Conference invited the following non-member States to participate in its work: Austria, Bangladesh, Belarus, Cameroon, Chile, Colombia, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Finland, Ghana, Greece, Holy See, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Malta, New Zealand, Norway, Oman, Philippines, Portugal, Qatar, Republic of Korea, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Switzerland, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Viet Nam and Zimbabwe. The Conference noted the specific requests from some of these non-members.

## E. Expansion of the Membership of the Conference

11. The urgency attached to the question of the expansion of its membership was duly recognized by the Conference.

12. Requests for membership had been received, since 1982, from the following non-members, in chronological order: Norway, Finland, Austria, Turkey, Senegal, Bangladesh, Spain, Viet Nam, Ireland, Tunisia, Ecuador, Cameroon, Greece, Zimbabwe, New Zealand, Chile, Switzerland, Republic of Korea, Belarus, Ukraine, Croatia, Kuwait, Israel, Slovakia, Democratic People's Republic of Korea, Iraq, South Africa, Colombia, Syrian Arab Republic, Portugal, Slovenia, Czech Republic, Malaysia and Costa Rica.

13. The Friend of the Chair conducted numerous consultations with delegations from both member States and countries that have presented their candidacy in order to attempt to overcome the obstacles for a consensual agreement on the expansion of the Conference. Despite intensive efforts to arrive at a solution agreeable to the entire membership of the Conference, it was regrettably not possible to move beyond the situation described in the 1993 report of the Conference to the General Assembly (CD/1222, para. 11-13). Therefore, the Conference agreed to continue to address the question of its expansion and to make every effort to reach a solution by the beginning of

its 1995 session, taking into account the importance and urgency of this issue and the need to comply with its own decision of periodically reviewing its membership.

## F. Review of the Agenda of the Conference

14. The Special Coordinator on the issue of the review of the agenda of the Conference conducted some preliminary bilateral consultations. Two informal open-ended consultations were thereafter held under his chairmanship, at which all member States and non-member States of the Conference had the opportunity to express their views. In the course of the consultations, the Decalogue, the annual agenda of the Conference and the current practice of Presidential statements dealing with the agenda were addressed. While the consultations revealed an openness in general on the part of delegations to discuss the issue, strong divergent views were expressed with respect to the possible content of a reformed agenda of the Conference. However, there was general agreement on the need to continue the consultations on the issue of the review of the agenda during the next annual session. At its 690th plenary meeting on 1 September 1994, the Special Coordinator reported to the Conference on the result of his consultations (CD/PV.690).

## G. Improved and Effective Functioning of the Conference

15. By paragraph 20 of its last report to the General Assembly of the United Nations (CD/1222), the Conference decided to continue consideration of its improved and effective functioning at the current annual session in the same format and under the same Chairmanship as in previous years.

16. Four informal open-ended consultations under the Chairmanship of Ambassador Ahmad Kamal of Pakistan were held during the annual session. As in 1992 and 1993, the informal open-ended consultations were open to non-member States participating in the work of the Conference and a number of non-members did so.

17. At its 690th plenary meeting on 1 September 1994, the Chairman submitted his report (CD/WP.457) to the Conference on the open-ended consultations. At the 690th plenary meeting on 1 September 1994, the Conference took note with appreciation of that report.

18. As a result of those open-ended consultations, general agreement emerged on ways to improve and make more effective the functioning of the Conference in the following areas:

(a) The dates for its 1995 session would be:

First part
30 January - 7 April 1995

Second part
29 May - 7 July 1995

Third part
31 July - 22 September 1995

(b) Rule 12 of its Rules of Procedure would be amended as follows:

"During the period when the Conference is not in session, the functions of the President shall be carried out by the representative of the member State which presided over the last plenary meeting of the Conference, except that between the annual sessions of the Conference the intersessional functions of the Presidency shall pass, at the beginning of the calendar year, to the representative of the member State assuming the Presidency next in order of rotation.".

(c) With regard to computerization and coordination, members of the Conference, as internal users of the United Nations Disarmament Affairs Information System (UNDAIS), again underline the importance they attach to improved and easy access to the information contained in this system. To this end, delegations urged that the procurement and installation of the necessary hardware and software should be undertaken and completed in the Geneva Branch of the Centre for Disarmament Affairs within a specific and early time-frame, so that members of the Conference may benefit fully from this facility. Delegations also stressed the need for integration between the Optical Disk System and UNDAIS in an effort to avoid duplication and to ensure better utilization of existing systems. It was also suggested that, in order to achieve a better appreciation of the information access requirements of members of the Conference, a system of structured, periodic consultations be instituted in this field between the Conference and the Centre for Disarmament Affairs.

19. The Conference on Disarmament will continue consideration of its improved and effective functioning at its next annual session, in the same format and under the same Chairman.

### H. Communications from Non-Governmental Organizations

20. In accordance with rule 42 of the rules of procedure, a list of all communications from non-governmental organizations and persons was circulated to the Conference (documents CD/NGC.27 and CD/NGC.28).

## III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1994 SESSION

21. The substantive work of the Conference during its 1994 session was based on its agenda and programme of work. The list of documents issued by the Conference, as well as the texts of those documents, are included as appendix I to the report. An index of the verbatim records by country and subject, listing the statements made by delegations during 1994, and the verbatim records of the meetings of the Conference, are attached as appendix II to the report.

22. The Conference had before it a letter dated 3 January 1994 from the Secretary-General of the United Nations (CD/1236) transmitting all the

resolutions on disarmament adopted by the General Assembly at its forty-eighth session in 1993, including those addressing specific requests to the Conference on Disarmament:

| | |
|---|---|
| 48/61 | "Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament" (operative paras. 2, 3, 4 and 5) |
| 48/67 | "The role of science and technology in the context of international security, disarmament and other related fields" (operative para. 2) |
| 48/69 | "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water" (operative para. 1) |
| 48/70 | "Comprehensive test ban treaty" (operative paras. 1, 2, 3, 4, 5 and 6) |
| 48/73 | "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (operative paras. 2, 4 and 5) |
| 48/74 A | "Prevention of an arms race in outer space" (operative paras. 5, 6, 7, 8 and 10) |
| 48/75 D | "Prohibition of the dumping of radioactive wastes" (operative paras. 1, 4 and 5) |
| 48/75 E | "Transparency in armaments" (operative paras. 3 and 5) |
| 48/75 I | "Regional disarmament" (operative para. 1) |
| 48/75 J | "Conventional arms control at the regional and subregional levels" (operative para. 2) |
| 48/76 B | "Convention on the Prohibition of the Use of Nuclear Weapons (operative paras. 1 and 2) |
| 48/77 A | "Report of the Disarmament Commission" (operative para. 7) |
| 48/77 B | "Report of the Conference on Disarmament" (operative paras. 1, 2, 3, 4, 5, 6 and 7) |

23. At the 666th plenary meeting of the Conference on 25 January 1994, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference conveyed to the Conference a message from the Secretary-General of the United Nations at the opening of the 1994 session (CD/PV.666).

24. In addition to documents separately listed under specific items, the Conference received the following:

(a) CD/1223, dated 16 September 1993, entitled "Letter dated 13 September 1993, addressed to the President of the Conference on Disarmament by the Deputy Permanent Representative of Portugal, transmitting the text of a statement on the 'Report of the Special Coordinator of the Conference on Disarmament for the issue of expansion of its membership'."

(b) CD/1224, dated 20 September 1993, entitled "Letter dated 10 September 1993 from the Permanent Mission of the Republic of Iraq addressed to the Secretary-General of the Conference on Disarmament transmitting an information note on the measures taken by Iraq in August 1993 pursuant to Security Council Resolution 687 (1991)".

(c) CD/1242, dated 4 February 1994, entitled "Letter dated 26 January 1994 from the Representative of the United States of America to the Conference on Disarmament and the Permanent Representative of the Russian Federation to the Conference addressed to the President of the Conference on Disarmament transmitting texts of certain documents issued in Moscow on 14 January 1994".

(d) CD/1250, dated 29 March 1994, entitled "Letter dated 17 March 1994 from the Representative of the United States of America to the Conference and the Permanent Representative of Ukraine addressed to the President of the Conference on Disarmament transmitting the text of the Joint Statement on Development of United States-Ukrainian Friendship and Partnership, issued by President Clinton of the United States of America and President Kravchuk of Ukraine on the occasion of their 4 March 1994 meeting in Washington D.C.".

(e) CD/1261, dated 9 June 1994, entitled "Letter dated 9 June 1994 from the Permanent Representative of Egypt addressed to the Secretary-General of the Conference on Disarmament transmitting the relevant part of the Final Document on Disarmament and International Security of the Eleventh Ministerial Meeting of the Non-aligned Movement which took place in Cairo, Egypt (31 May to 3 June 1994)".

(f) CD/1265, dated 1 July 1994, entitled "Statement by Austria, Bangladesh, Belarus, Cameroon, Chile, Colombia, Democratic People's Republic of Korea, Finland, Iraq, Israel, New Zealand, Norway, Republic of Korea, Senegal, Slovakia, South Africa, Spain, Switzerland, Syria, Turkey, Ukraine, Viet Nam and Zimbabwe".

## A. Nuclear Test Ban

25. At its 692nd plenary meeting on 7 September 1994, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 666th plenary meeting (see para. 6 above). That report (CD/1273/Rev.1) is an integral part of this report and reads as follows:

## "I. INTRODUCTION

"1. At its 666th plenary meeting on 25 January 1994, the Conference on Disarmament re-established the Ad Hoc Committee on a Nuclear Test Ban with the following mandate (CD/1238):

> 'In the exercise of its responsibilities as the sole multilateral disarmament negotiating forum of the international community, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 1 of its agenda entitled "Nuclear Test Ban", and to give priority to its work.
>
> 'The Conference directs the Ad Hoc Committee to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.
>
> 'Pursuant to its mandate, the Ad Hoc Committee will take into account all existing proposals and future initiatives, as well as the work of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events. The Conference requests the Ad Hoc Committee to establish the necessary working groups in order to carry forward effectively this negotiating mandate; these should include at least two working groups, one on verification and one on legal and institutional issues, which should be established in the initial stage of the negotiation, and any others which the Committee may subsequently decide upon.
>
> 'The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1994 session.'

## "II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At the 668th plenary meeting on 1 February 1994, the Conference on Disarmament appointed Ambassador Miguel Marín-Bosch of Mexico as Chairman of the Ad Hoc Committee. Ms. Jenifer Mackby, Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. In accordance with the decision of the Conference adopted at its 603rd plenary meeting on 22 August 1991, the Ad Hoc Committee was open to all the non-member States invited by the Conference to participate in its work.

"4. The Ad Hoc Committee held 24 meetings from 3 February to 5 September 1994. In addition, the Chairman conducted a number of informal consultations with delegations.

"5. The following official documents dealing with a nuclear test ban were presented to the Conference:

- CD/1227, dated 13 October 1993, entitled 'Letter dated 11 October 1993 from the Permanent Representative of Chile addressed to the Secretary-General of the Conference on Disarmament transmitting a statement by the Government of Chile concerning the nuclear test carried out by China'.

- CD/1231 and Corr.1 (French only), dated 1 December 1993, entitled 'Letter dated 29 November 1993 from the Permanent Representative of Mexico addressed to the President of the Conference on Disarmament transmitting the text of a working paper of the Group of 21 entitled "Conclusion of a Comprehensive Nuclear-Test-Ban Treaty"'.

- CD/1232 (also issued as CD/NTB/WP.33), dated 6 December, entitled 'Letter dated 6 December 1993 from the Head of the delegation of Sweden addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a draft Comprehensive Nuclear-Test-Ban Treaty and its annexed draft Protocol'.

- CD/1235 and Corr.1 (A.C.E.F.S. only) dated 5 January 1994, entitled 'Letter dated 4 January 1994 from the Permanent Representative of Australia to the United Nations for Disarmament Matters addressed to the President of the Conference on Disarmament transmitting the text of a Working Paper entitled "Comprehensive Nuclear-Test-Ban Treaty: a draft structural outline"'.

- CD/1238, dated 25 January 1994, entitled 'Mandate for an Ad Hoc Committee under Agenda Item 1: "Nuclear Test Ban" (adopted at the 666th plenary meeting on 25 January 1994)'.

- CD/1239, dated 25 January 1994, entitled 'Presidential statement on the agenda and organization of work for the 1994 session of the Conference on Disarmament at the 666th plenary meeting on 25 January 1994'.

- CD/1240, dated 27 January 1994, entitled 'Letter dated 26 January 1994 from the Permanent Representative of Indonesia addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the Concluding Statement of the President of the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water at the Special (Informal) Meeting of the States Parties held in New York on 10 August 1993'.

- CD/1241, dated 2 February 1994, entitled 'Letter dated 1 February 1994 from the Deputy Permanent Representative of Canada addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting four compendia of documents of the Conference on Disarmament to support the negotiations on a Comprehensive Test-Ban Treaty'.

- CD/1252 (also issued as CD/NTB/WP.37), dated 22 March 1994, submitted by the Group of 21, entitled 'Some key elements of a comprehensive nuclear-test-ban treaty'.

- CD/1254, dated 25 March 1994, entitled 'Report of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events to the Ad Hoc Committee on a Nuclear Test Ban on International Seismic Monitoring and the GSETT-3 Experiment'.

- CD/1255 (also issued as CD/NTB/WP.51), dated 30 March 1994, entitled 'Letter dated 30 March 1994 from the Head of the delegation of the People's Republic of China addressed to the President of the Conference on Disarmament transmitting the text of a document entitled "Basic structure of a comprehensive test-ban treaty"'.

- CD/1262 (also issued as CD/NTB/WP.120), dated 16 June 1994, entitled 'Letter dated 15 June 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting a statement made on 13 June 1994 to the Ad Hoc Committee on a Nuclear Test Ban'.

- CD/1263 (also issued as CD/NTB/WP.121), dated 16 June 1994, entitled 'Letter dated 15 June 1994 from the Head of the delegation of the People's Republic of China to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting the text of a statement made on 10 June 1994 by the spokesman of the Foreign Ministry of the People's Republic of China'.

- CD/1264, dated 28 June 1994, entitled 'Letter dated 21 June 1994 from the Deputy Permanent Representative of Canada addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting a verification subject index to CD Working Papers on the nuclear test ban issue'.

- CD/1266 (also issued as CD/NTB/WP.140), dated 6 July 1994, entitled 'Letter dated 4 July 1994 from the Permanent Representative of India, in his capacity as Coordinator of the Group of 21 on the item "Nuclear Test Ban", addressed to the President of the Conference on Disarmament transmitting the text of a statement by the Group of 21 on a Comprehensive Nuclear-Test-Ban Treaty'.

- CD/1268 (also issued as CD/NTB/WP.148), dated 5 August 1994, entitled 'Letter dated 4 August 1994 from the Permanent Representative of Austria addressed to the President of the Conference on Disarmament confirming the readiness of the Federal Government of Austria to host the future Comprehensive Test-Ban Treaty Organization (CTBTO) in Vienna'.

- CD/1272 (also issued as CD/NTB/WP.178), dated 24 August 1994, entitled 'Letter dated 23 August 1994 from the Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting the text of a statement made by Counsellor Hu Xiaodi of the Chinese Delegation on 19 August 1994 at the Ad Hoc Committee on a Nuclear Test Ban'.

- CD/1273, dated 24 August 1994, entitled 'Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament'.

- CD/1276, dated 30 August 1994, entitled 'Letter dated 29 August 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a message by the President of the United States to the Conference on Disarmament, delivered orally to the Conference on 25 January 1994 by the Director of the United States Arms Control and Disarmament Agency, concerning the importance of the negotiation of a comprehensive and verifiable ban on nuclear explosions'".

"6. In addition, the following working papers were presented to the Ad Hoc Committee:

- CD/NTB/WP.33 (also issued as CD/1232).

- CD/NTB/WP.34, dated 11 February 1994, submitted by the delegation of Australia, entitled 'CTBT: Australian views'.

- CD/NTB/WP.35, dated 8 March 1994, submitted by a Friend of the Chair, entitled 'Routine inspections: introductory observations and issues for consideration in Working Group 1'.

- CD/NTB/WP.36, dated 8 March 1994, submitted by a Friend of the Chair, entitled 'Challenge inspections: introductory observations and issues for consideration in Working Group 1'.

- CD/NTB/WP.37 and Corr.1 (English only) (also issued as CD/1252).

- CD/NTB/WP.38 and Corr.1 (English only), dated 10 March 1994, submitted by the delegation of Sweden, entitled 'ISAR (International Surveillance of Atmospheric Radioactivity): Zooming in on its technical specifications'.

- CD/NTB/WP.39, dated 10 March 1994, submitted by the delegation of the United States of America, entitled 'International monitoring concept for atmospheric radioactivity'.

- CD/NTB/WP.40, dated 11 March 1994, submitted by the delegation of Sweden, entitled 'On-site inspection'.

- CD/NTB/WP.41, Corr.1 (A.C.E.R.S. only) and Corr.2 (Russian only), dated 11 March 1994, submitted by the delegation of Australia, entitled 'Possible elements of a textual approach to international on-site inspection'.

- CD/NTB/WP.42, dated 14 March 1994, submitted by a Friend of the Chair, entitled 'On-site inspection of large chemical explosions: introductory observations and issues for consideration in Working Group 1'.

- CD/NTB/WP.43, dated 14 March 1994, submitted by the delegation of Australia, entitled 'Possible elements of a textual approach to non-compliance'.

- CD/NTB/WP.44, dated 16 March 1994, submitted by the delegation of Germany, entitled 'Basic obligations and scope of a test-ban treaty'.

- CD/NTB/WP.45 and Corr.1 (French only), dated 18 March 1994, submitted by a Friend of the Chair, entitled 'General issues relating to on-site activities for consideration at a meeting of experts between 16 and 27 May 1994'.

- CD/NTB/WP.46, dated 22 March 1994, submitted by the delegation of Germany, entitled 'Language proposed for Article I'.

- CD/NTB/WP.47, dated 23 March 1994, submitted by the delegation of the Netherlands, entitled 'Entry into Force'.

- CD/NTB/WP.48, dated 23 March 1994, submitted by the delegation of Australia, entitled 'Possible elements of a textual approach to international seismological monitoring for CTBT verification purposes'.

- CD/NTB/WP.49, dated 30 March 1994, submitted by the delegation of Australia, entitled 'Comprehensive Test-Ban Treaty: Australian resource paper on draft treaty elements'.

- CD/NTB/WP.50, dated 30 March 1994, submitted by the delegation of Australia, entitled 'Comprehensive Test-Ban Treaty: Australian resource paper on draft treaty elements - Explanatory notes'.

- CD/NTB/WP.51 (also issued as CD/1255).

- CD/NTB/WP.52, dated 31 March 1994, submitted by the delegation of Sweden, entitled 'Article on Basic Obligations'.

- CD/NTB/WP.53, dated 19 May 1994, submitted by the delegation of the United States of America, entitled 'Monitoring a comprehensive test-ban treaty: an overview of the US approach'.

- CD/NTB/WP.54, dated 17 May 1994, submitted by the delegation of New Zealand, entitled 'CTBT verification by atmospheric radioactivity monitoring: the New Zealand perspective'.

- CD/NTB/WP.55, dated 18 May 1994, submitted by the delegation of The Netherlands, entitled 'Verification techniques to monitor a CTBT'.

- CD/NTB/WP.56 and Corr.1 (English only), dated 20 May 1994, submitted by the delegation of France, entitled 'Atmospheric radioactivity monitoring: a possible contribution to the verification of a CTBT'.

- CD/NTB/WP.57 and Corr.1 (English only), dated 30 May 1994, submitted by the delegation of Japan, entitled 'Japanese views on a CTBT'.

- CD/NTB/WP.58, dated 20 May 1994, submitted by the delegation of the Russian Federation, entitled 'Monitoring the Comprehensive Test-Ban Treaty (CTBT) with devices for detecting radioactivity in the atmosphere'.

- CD/NTB/WP.59, dated 20 May 1994, submitted by the delegation of the Russian Federation, entitled 'CTBT monitoring using measurements of infrasonic disturbances'.

- CD/NTB/WP.60, dated 20 May 1994, submitted by a Friend of the Chair, entitled 'Transparency measures'.

- CD/NTB/WP.61, dated 24 May 1994, submitted by the delegation of the Russian Federation, entitled 'Satellite monitoring of a comprehensive test-ban treaty'.

- CD/NTB/WP.62 and Corr.1 (English only), dated 24 May 1994, submitted by the delegation of the Russian Federation, entitled 'CTBT monitoring using measurements of electromagnetic pulse'.

- CD/NTB/WP.63 and Corr.1 (English only), dated 24 May 1994, submitted by the delegation of the United States of America, entitled 'International radionuclide monitoring concept'.

- CD/NTB/WP.64, dated 25 May 1994, submitted by the delegation of Germany, entitled 'International monitoring concept for atmospheric radioactivity: Questions to be dealt with by experts in the period 16-27 May 1994'.

- CD/NTB/WP.65, dated 25 May 1994, submitted by the delegation of Canada, entitled 'The application of radionuclide monitoring in the verification of a comprehensive test-ban treaty (CTBT)'.

- CD/NTB/WP.66, dated 25 May 1994, submitted by the International Atomic Energy Agency, entitled 'Memorandum on a global atmospheric radionuclide monitoring system as part of a verification regime for a comprehensive test-ban treaty'.

- CD/NTB/WP.67, dated 25 May 1994, submitted by the World Meteorological Organization, entitled 'The WMO Global Atmosphere Watch (GAW)'.

- CD/NTB/WP.68, dated 27 May 1994, submitted by the delegation of Canada, entitled 'CTBT verification: Questionnaire on non-seismic techniques: Canadian response'.

- CD/NTB/WP.69, dated 27 May 1994, submitted by the delegation of Austria, entitled 'Nuclear test ban verification - non-seismic methods: Measurement of radionuclides'.

- CD/NTB/WP.70, dated 27 May 1994, submitted by the delegation of the United States of America, entitled 'Hydroacoustic method for monitoring a comprehensive test-ban treaty'.

- CD/NTB/WP.71, dated 30 May 1994, submitted by the delegation of New Zealand, entitled 'Seismological detection of hydroacoustic waves from the Chase V explosion and consequences for surveillance of oceanic areas'.

- CD/NTB/WP.72, dated 26 May 1994, submitted by the delegation of Israel, entitled 'Israel's views on some aspects of a CTBT'.

- CD/NTB/WP.73, dated 31 May 1994, submitted by the delegation of Belgium, entitled 'Hydroacoustics: A possible contribution to the verification of a CTBT'.

- CD/NTB/WP.74 and Corr.1 (English only), dated 31 May 1994, submitted by the delegation of the Russian Federation, entitled 'On-site inspections of ambiguous events in the monitoring of a CTBT: Theoretical possibility of detecting covert nuclear tests through on-site inspections'.

- CD/NTB/WP.75, dated 1 June 1994, submitted by the delegation of Australia, entitled 'Hydroacoustic monitoring of CTBT compliance'.

- CD/NTB/WP.76, dated 2 June 1994, submitted by the delegation of Sweden, entitled 'Pursuing the ISAR (international surveillance of atmospheric radioactivity) concept'.

- CD/NTB/WP.77, dated 2 June 1994, submitted by the delegation of France, entitled 'Verification of a comprehensive test-ban treaty (CTBT) using satellite technology'.

- CD/NTB/WP.78, dated 2 June 1994, submitted by the delegation of the People's Republic of China, entitled 'Working Paper on CTBT verification'.

- CD/NTB/WP.79, dated 2 June 1994, submitted by the delegation of Australia, entitled 'Global monitoring of atmospheric radionuclides in support of CTBT verification: An Australian view'.

- CD/NTB/WP.80, dated 3 June 1994, submitted by the delegation of Canada, entitled 'Canada's approach to overhead imagery in support of the verification of a comprehensive test-ban treaty (CTBT)'.

- CD/NTB/WP.81, dated 6 June 1994, submitted by the delegation of the Russian Federation, entitled 'Replies to questions to be dealt with by experts on non-seismic verification in the period 16-27 May 1994'.

- CD/NTB/WP.82, dated 6 June 1994, submitted by the delegation of Finland, entitled 'Detection of radionuclides: answers to the questions of document CD/NTB/WG.1/7, 9 March 1994'.

- CD/NTB/WP.83, dated 6 June 1994, submitted by the delegation of Belgium, entitled 'The global data exchange system: security problems and authentication of data'.

- CD/NTB/WP.84, dated 6 June 1994, submitted by the delegation of India, entitled 'Potential of seismic and other relevant techniques for monitoring underwater explosions'.

- CD/NTB/WP.85, dated 6 June 1994, submitted by the delegation of India, entitled 'Relevant techniques for detection of nuclear explosions in the atmosphere'.

- CD/NTB/WP.86, dated 6 June 1994, submitted by the delegation of India, entitled 'Some non-seismic techniques for detection of underground nuclear explosions'.

- CD/NTB/WP.87, dated 7 June 1994, submitted by the delegation of the United States of America, entitled 'A global infrasound method for monitoring a comprehensive test-ban treaty'.

- CD/NTB/WP.88, dated 7 June 1994, submitted by the delegation of the United States of America, entitled 'Ground-based optical system for monitoring a comprehensive test-ban treaty'.

- CD/NTB/WP.89, dated 8 June 1994, submitted by the delegation of the United States of America, entitled 'Ground-based electromagnetic pulse (EMP) detection system for monitoring a comprehensive test-ban treaty'.

- CD/NTB/WP.90, dated 8 June 1994, submitted by the delegation of the United States of America, entitled '"Challenge" on-site inspection concept'.

- CD/NTB/WP.91, dated 8 June 1994, submitted by the delegation of Canada, entitled 'The application of on-site inspection (OSI) techniques in support of the verification of a comprehensive test-ban treaty (CTBT)'.

- CD/NTB/WP.92, dated 8 June 1994, submitted by the delegation of Italy, entitled 'Questions to be dealt with by experts in the period 16-27 May 1994'.

- CD/NTB/WP.93, dated 8 June 1994, submitted by the delegation of Italy, entitled 'Radiological monitoring system in Italy: Present situation and perspectives'.

- CD/NTB/WP.94, dated 9 June 1994, submitted by the delegation of Italy, entitled 'On-site inspections'.

- CD/NTB/WP.95, dated 13 June 1994, submitted by the International Atomic Energy Agency, entitled 'Memorandum on IAEA's on-site inspection experience'.

- CD/NTB/WP.96, dated 10 June 1994, submitted by the delegation of the United States of America, entitled 'Concept for a comprehensive test-ban treaty: International seismic monitoring system'.

- CD/NTB/WP.97, dated 13 June 1994, submitted by the Chairman of the Working Group on Verification, entitled 'Decision period Working Group 1: Introduction'.

- CD/NTB/WP.98, dated 13 June 1994, submitted by the Chairman of the Working Group on Verification, entitled 'On-site activities: Working paper for the "decision period"'.

- CD/NTB/WP.99, dated 13 June 1994, submitted by the delegation of Sweden, entitled 'Comments on: International Data Centre - analysis and products'.

- CD/NTB/WP.100, dated 14 June 1994, submitted by the delegation of Germany, entitled 'A modified concept for a global seismic verification system: Considerations about saving costs'.

- CD/NTB/WP.101, dated 14 June 1994, submitted by the delegation of Japan, entitled 'Replies to the questions on non-seismic verification contained in CD/NTB/WG.1/7'.

- CD/NTB/WP.102, dated 7 June 1994, submitted by the delegation of Israel, entitled 'The CTBT verification regime: The consultation and clarification process'.

- CD/NTB/WP.103, dated 14 June 1994, submitted by the Chairman of the Working Group on Verification, entitled 'Chairman's paper for the "decision period": Non-seismic verification activities for monitoring purposes'.

- CD/NTB/WP.104, dated 14 June 1994, submitted by the delegation of the United States of America, entitled 'An overview of the role of associated measures in monitoring a comprehensive test-ban treaty'.

- CD/NTB/WP.105, dated 14 June 1994, submitted by the delegation of the United States of America, entitled 'Discussion of problems for comprehensive test-ban treaty verification posed by chemical explosions'.

- CD/NTB/WP.106, dated 14 June 1994, submitted by the delegation of the United States of America, entitled 'Calibration events for improved seismic verification of a comprehensive test-ban treaty'.

- CD/NTB/WP.107 and Corr.1 (English and Russian only), dated 14 June 1994, submitted by the delegation of India, entitled 'Preliminary answers to working paper CD/NTB/WG.1/7 dated 9 March 1994'.

- CD/NTB/WP.108, dated 15 June 1994, submitted by the delegation of India, entitled 'Preliminary answers to working paper CD/NTB/WP.45 dated 18 March 1994 and its annexes'.

- CD/NTB/WP.109, dated 15 June 1994, submitted by the delegation of the United States of America, entitled 'Mine monitoring system concept for a comprehensive test-ban treaty'.

- CD/NTB/WP.110, dated 15 June 1994, submitted by the delegation of Japan, entitled 'Article ...: Consultation and Clarification'.

- CD/NTB/WP.111, dated 15 June 1994, submitted by the delegation of Australia, entitled 'Mining explosions and the comprehensive test-ban treaty: an Australian case study'.

- CD/NTB/WP.112, dated 16 June 1994, submitted by the Chairman of the Working Group on Verification, entitled 'Chairman's Paper for the "decision period": Seismic verification for monitoring purposes'.

- CD/NTB/WP.113, dated 17 June 1994, submitted by the Chairman of the Working Group on Verification, entitled 'Chairman's paper for the "decision period": Transparency Measures'.

- CD/NTB/WP.114, dated 17 June 1994, submitted by the delegation of Israel, entitled 'On-site inspection: Preliminary answers to the Chairman's paper CD/NTB/WP.98 of 13 June 1994'.

- CD/NTB/WP.115, dated 17 June 1994, submitted by the delegation of the United States of America, entitled 'Non-seismic monitoring technologies for CTBT verification'.

- CD/NTB/WP.116, dated 15 June 1994, submitted by the delegation of Australia, entitled 'The "decision period": an Australian response'.

- CD/NTB/WP.117, dated 24 June 1994, submitted by the delegation of France, entitled 'Seeking synergy between the various possible verification techniques'.

- CD/NTB/WP.118, dated 17 June 1994, submitted by the delegation of Italy, entitled 'Preliminary answers to working paper CD/NTB/WP.98'.

- CD/NTB/WP.119, dated 21 June 1994, submitted by the delegation of Israel, entitled 'The CTBT Organization'.

- CD/NTB/WP.120 (also issued as CD/1262).

- CD/NTB/WP.121 (also issued as CD/1263).

- CD/NTB/WP.122, dated 20 June 1994, submitted by the delegation of the People's Republic of China, entitled 'Proposed wording for the CTBT article on "Security assurances for States Parties"'.

- CD/NTB/WP.123, dated 20 June 1994, submitted by the delegation of the People's Republic of China, entitled 'Entry into force of the CTBT'.

- CD/NTB/WP.124, dated 20 June 1994, submitted by the delegation of the People's Republic of China, entitled 'Proposed wording for the Preamble to the CTBT'.

- CD/NTB/WP.125, dated 20 June 1994, submitted by the delegation of the People's Republic of China, entitled 'Proposed wording for the CTBT article on "Duration and withdrawal"'.

- CD/NTB/WP.126, dated 20 June 1994, submitted by the delegation of the People's Republic of China, entitled 'Amendment of the CTBT'.

- CD/NTB/WP.127, dated 20 June 1994, submitted by the delegation of the People's Republic of China, entitled 'Review of the CTBT'.

- CD/NTB/WP.128, dated 20 June 1994, submitted by the delegation of the People's Republic of China, entitled 'The CTBT organizational structure'.

- CD/NTB/WP.129, dated 24 June 1994, submitted by the delegation of Canada, entitled 'Non-seismic questionnaire: Canada's answers'.

- CD/NTB/WP.130, dated 24 June 1994, submitted by the delegation of Canada, entitled 'On-site activities: Canada's replies'.

- CD/NTB/WP.131, dated 24 June 1994, submitted by the delegation of Canada, entitled 'Transparency measures: Canada's replies'.

- CD/NTB/WP.132, dated 29 June 1994, submitted by the delegation of Israel, entitled 'On-site inspection: Draft text covering some procedural elements of OSI'.

- CD/NTB/WP.133, dated 24 June 1994, submitted by the delegation of Belgium, entitled 'Questionnaire on non-seismic techniques (CD/NTB/WG.1/7, dated 9 March 1994): Replies from Belgium'.

- CD/NTB/WP.134, dated 24 June 1994, submitted by the delegation of Belgium, entitled 'Verification of a CTBT: Questionnaire on non-seismic techniques (document CD/NTB/WP 103 of 14 June 1994): Reply from Belgium'.

- CD/NTB/WP.135, dated 30 June 1994, submitted by a Friend of the Chair, entitled 'Summary of technical presentations made to Working Group 1 on non-seismic methods and their possible contribution to test ban verification'.

- CD/NTB/WP.136, dated 4 July 1994, submitted by a Friend of the Chair, entitled 'Questionnaire on non-seismic methods'.

- CD/NTB/WP.137, dated 1 July 1994, submitted by the Chairman of the Working Group on Verification, entitled 'Working Group I - Verification: Chairman's Paper, Draft language for Treaty and Protocol: Verification'.

- CD/NTB/WP.138, dated 1 July 1994, submitted by the Chairman of the Working Group on Legal and Institutional Issues, entitled 'Working Group 2 - Legal and Institutional Issues: Chairman's Paper'.

- CD/NTB/WP.139, dated 5 July 1994, submitted by the delegation of Canada, entitled 'CTBT Organization'.

- CD/NTB/WP.140 (also issued as CD/1266).

- CD/NTB/WP.141, dated 26 July 1994, submitted by the delegation of India, entitled 'Seismic technique for verification of a CTBT'.

- CD/NTB/WP.142, dated 27 July 1994, submitted by the delegation of Israel, entitled 'Measures to redress a situation and to ensure compliance including sanctions'.

- CD/NTB/WP.143, dated 27 July 1994, submitted by the delegation of Israel, entitled 'Reservations'.

- CD/NTB/WP.144, dated 29 July 1994, submitted by the delegation of Japan, entitled 'CTBT Verification System Flowchart'.

- CD/NTB/WP.145, dated 29 July 1994, submitted by the delegation of the Netherlands, entitled 'Answers to the questionnaire on non-seismic methods (CD/NTB/WP.136)'.

- CD/NTB/WP.146, dated 29 July 1994, submitted by the delegation of Israel, entitled 'Comments on Chairman's Paper CD/NTB/WP.137 of 1 July 1994'.

- CD/NTB/WP.147, dated 3 August 1994, submitted by the delegation of Belgium, entitled 'Responses to questionnaire CD/NTB/WP.113 of 17 June 1994 on transparency measures'.

- CD/NTB/WP.148 (also issued as CD/1268).

- CD/NTB/WP.149, dated 8 August 1994, submitted by the delegation of Australia, entitled 'Australian national responses to a Friend of the Chair's questionnaires on the status of existing national and international systems relevant to CTBT compliance (CD/NTB/WP.136)'.

- CD/NTB/WP.150, dated 5 August 1994, submitted by the Chairman of the Working Group on Verification, entitled 'Working Group I - Verification: Chairman's Paper, Elements for a Rolling Text: Verification'.

- CD/NTB/WP.151, dated 8 August 1994, submitted by the delegation of Romania, entitled 'Answers to the questionnaire on non-seismic methods (CD/NTB/WP.136)'.

- CD/NTB/WP.152, dated 9 August 1994, submitted by the delegation of the Russian Federation, entitled 'Responses to the questionnaires contained in CD/NTB/WP.136'.

- CD/NTB/WP.153, dated 9 August 1994, submitted by the delegation of Israel, entitled 'Comments on Chairman's Paper CD/NTB/WP.137 of 1 July 1994'.

- CD/NTB/WP.154 and Corr.1, dated 10 August 1994, submitted by the Friend of the Chair, entitled 'Organization'.

- CD/NTB/WP.155, dated 16 August 1994, submitted by the delegation of the United States of America, entitled 'Response to the Friend of the Chair's proposal of 24 June 1994 for future work on non-seismic techniques: Design of the CTBT radionuclide monitoring system'.

- CD/NTB/WP.156, dated 16 August 1994, submitted by the delegation of the United States of America, entitled 'Response to the Friend of the Chair's proposal of 24 June 1994 for future work on non-seismic techniques: Response to the Friend of the Chair's questionnaires on the status of existing national and international systems relevant to CTBT compliance (CD/NTB/WP.136): Design of the CTBT infrasound monitoring system'.

- CD/NTB/WP.157, dated 19 August 1994, submitted by the delegation of the United States of America, entitled 'Response to the Friend of the Chair's proposal of 24 June 1994 for future work on non-seismic techniques: Response to the Friend of the Chair's questionnaires on the status of existing national and international systems relevant to CTBT compliance (CD/NTB/WP.136): Design of the CTBT hydroacoustic monitoring system'.

- CD/NTB/WP.158, dated 18 August 1994, submitted by the delegation of the United States of America, entitled 'Design of the CTBT seismic monitoring system'.

- CD/NTB/WP.159, dated 18 August 1994, submitted by the delegation of the United States of America, entitled 'Statement of principles on data and system integrity'.

- CD/NTB/WP.160, dated 12 August 1994, submitted by the delegation of France, entitled 'Evaluation of the international verification system'.

- CD/NTB/WP.161, dated 16 August 1994, submitted by a Friend of the Chair, entitled 'Entry into Force'.

- CD/NTB/WP.162, dated 18 August 1994, submitted by the delegation of Belgium, entitled 'Answers to the questionnaire on non-seismological verification techniques (CD/NTB/WP.136): Radioactive monitoring: the status of existing national radioactive/radiation monitoring systems'.

- CD/NTB/WP.163, dated 19 August 1994, submitted by the delegation of the Russian Federation, entitled 'Proposed amendments to the protocol draft language (CD/NTB/WP.137, Section "On-Site Inspection")'.

- CD/NTB/WP.164, dated 16 August 1994, submitted by the delegation of Australia, entitled 'Progress report on preliminary event identification (PEI)'.

- CD/NTB//WP.165, dated 19 August 1994, submitted by the delegation of Australia, entitled 'Development of an automated approach to preliminary event identification (PEI)'.

- CD/NTB/WP.166, dated 23 August 1994, submitted by the delegation of China, entitled 'CTBT's scope of prohibition'.

- CD/NTB/WP.167, dated 23 August 1994, submitted by the delegation of China, entitled 'CTBT Article on the peaceful use of nuclear energy and peaceful nuclear explosions'.

- CD/NTB/WP.168, dated 17 August 1994, entitled 'Draft Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament'.

- CD/NTB/WP.169, dated 23 August 1994, submitted by the delegation of the United States of America, entitled 'Response seismic verification for monitoring purposes: Working paper for the "Decision Period" (CD/NTB/WP.112)'.

- CD/NTB/WP.170, dated 23 August 1994, submitted by the delegation of Israel, entitled 'The CTBT Organization: Comments on the Friend of the Chair's paper CD/NTB/WP.154 of 10 August 1994'.

- CD/NTB/WP.171, dated 23 August 1994, submitted by a Friend of the Chair, entitled 'Options for the design of a CTBT radioactivity monitoring network, with their most important capabilities and costs: Report of the group of experts on radioactivity to Working Group 1'.

- CD/NTB/WP.172, dated 23 August 1994, submitted by a Friend of the Chair, entitled 'Options for the design of a CTBT hydroacoustic monitoring network, with their most important capabilities and costs: Report of the group of experts on hydroacoustics to Working Group 1'.

- CD/NTB/WP.173, dated 23 August 1994, submitted by the delegation of Mongolia, entitled 'Answers to the questionnaire on non-seismic methods (CD/NTB/WP.136)'.

- CD/NTB/WP.174, dated 23 August 1994, submitted by the delegation of Israel, entitled 'Comments on Chairman paper (CD/NTB/WP.137 of 1 July 1994)'.

- CD/NTB/WP.175, dated 23 August 1994, submitted by the delegation of Mongolia, entitled 'Mongolia's position on a CTBT'.

- CD/NTB/WP.176*, dated 1 September 1994, submitted by a Friend of the Chair, entitled 'Infrasound monitoring system'.

- CD/NTB/WP.177, dated 24 August 1994, submitted by a Friend of the Chair, entitled 'Seismic monitoring system'.

- CD/NTB/WP.178 (also issued as CD/1272).

- CD/NTB/WP.179, dated 25 August 1994, submitted by the delegation of Japan, entitled 'Reply to the Questionnaire dated 1 July 1994 prepared by the Friend of the Chair on Non-Seismic Verification in respect of Radioactive Monitoring'.

- CD/NTB/WP.180, dated 31 August 1994, submitted by the delegation of Israel, entitled 'Consultation and clarification and expert evaluation'.

- CD/NTB/WP.181, dated 2 September 1994, submitted by a Friend of the Chair, entitled 'Illustration of possible networks of sensors to detect, locate and identify explosions underground, underwater and in the atmosphere based on the reports of experts'.

- CD/NTB/WP.182, dated 7 September 1994, entitled 'Working Group 1 (Verification), Programme of Work, 28 November-16 December 1994'.

"7. Furthermore, the Secretariat updated a list of documents relating to a nuclear test ban, submitted to the Conference of the Eighteen Nation Committee on Disarmament, the Conference of the Committee on Disarmament, the Committee on Disarmament and the Conference on Disarmament (CD/NTB/INF.1/Add.3 of 2 February 1994).

## "III. SUBSTANTIVE WORK DURING THE 1994 SESSION

"8. In accordance with its mandate, the Ad Hoc Committee commenced negotiation of the treaty.

"In discharging its mandate, the Ad Hoc Committee decided to hold a general exchange of views on all aspects of a nuclear test-ban treaty and to set up the following two Working Groups:

"(a) Working Group 1: Verification
(Chairman: Ambassador Wolfgang Hoffman, Germany)

"(b) Working Group 2: Legal and Institutional Issues
(Chairman: Ambassador Ludwik Dembinski, Poland)

"9. In addition, six Friends of the Chair were appointed to deal with the following specific issues in private and open-ended consultations:

"For Working Group 1:

"(a) 'Seismic techniques'
(Mr. Ajit Kumar, India)

"(b) 'Non-Seismic techniques'
(Dr. Peter Marshall, United Kingdom of Great Britain and Northern Ireland)

"(c) 'On-Site activities'
(Mr. Victor S. Slipchenko, Russian Federation)

"(d) 'Transparency measures'
(Mr. Bertil Roth, Sweden)

"For Working Group 2:

"(e) 'Organization'
(Mr. Roberto Jaguaribe, Brazil)

"(f) 'Entry into Force'
(Ambassador Alessandro Vattani, Italy)

"10. Working Group 1 held 53 meetings. It discussed, on the basis of a paper presented by its Chairman, the possible content of a verification regime and collected text elements for a rolling text. Intensive efforts were made towards establishing the elements of a verification regime. Under the Friends of the Chair, during the second part of the session experts made a considerable number of presentations on the technical aspects of the different measures of verification of a nuclear test-ban treaty in order to assist delegations in identifying the possible elements of a verification regime and to prepare the ground for the necessary political decisions. During the third part of the session the experts also met informally to provide delegations with alternative options for decisions on details of an international monitoring system and other verification measures, with the objective of helping the Ad Hoc Committee to elaborate treaty language. In addition, the Friends of the Chair held informal consultations with delegations and experts on relevant verification matters. The Chairman of the Working Group presented to the Chairman of the Ad Hoc Committee draft language on provisions on verification issues for inclusion in Part 2 of the rolling text.

"11. Working Group 2 held 26 meetings. It discussed the possible content of legal and institutional aspects of a nuclear test ban treaty. Following an extensive debate on each item, the Chairman drafted treaty language which, in the course of several readings, was substantially revised and refined. In addition, the Friends of the Chair on Entry into Force and Organization held numerous bilateral consultations. The Friend of the Chair on Entry into Force developed six options which were subsequently elaborated in draft treaty language. The Friend of the Chair on Organization developed an outline which was later expanded into draft treaty language on a provision on Organization and the relevant Protocol. The draft language of the Friends of the Chair was reviewed and further revised by the Working Group. The Chairman of the Working Group presented to the Chairman of the Ad Hoc Committee draft language on provisions on legal and institutional issues for inclusion in Parts 1 or 2 of the rolling text, depending on their respective stages of development.

## "IV. CONCLUSIONS AND RECOMMENDATIONS

"12. In accordance with its mandate, the Ad Hoc Committee on a Nuclear Test Ban worked intensively during the 1994 session and decided to include the results of its ongoing negotiations on the draft treaty in a rolling text which is contained in the Appendix of the report attached hereto. Part 1 of this Appendix represents the present stage of the elaboration of the provisions of the draft treaty which command a certain degree of consensus at this stage. Part 2 contains provisions which need more extensive negotiation. Part 3 comprises a list of documents containing proposals of delegations.

"13. The Ad Hoc Committee recommends to the Conference on Disarmament:

"(a) that the Appendix to this report be used for further negotiation and drafting of the treaty;

"(b) that other documents listed in paragraphs 5 and 6 above, together with other relevant and future documents of the Conference, also be utilized in the further negotiation and elaboration of the treaty;

"(c) that work on the treaty, including meetings with full services, under the chairmanship of Ambassador Marín-Bosch, be continued during the following period:

- 28 November to 16 December 1994;

"(d) that the Ad Hoc Committee itself decide whether or not to extend the above-mentioned meetings to include the periods 21 to 25 November 1994, 19 to 23 December 1994 and 9 to 20 January 1995;

"(e) that the Ad Hoc Committee on a Nuclear Test Ban be re-established at the outset of the 1995 session of the Conference on Disarmament with its present mandate.

# "APPENDIX

## "APPENDIX

## "Part 1

## "MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

"1. The Conference of the States Parties [and the Executive Council] 1/ shall take the necessary measures as set forth in paragraphs 2, 3 and 4 to ensure compliance with the provisions of the Treaty and to redress and remedy any situation which contravenes the provisions of the Treaty. In considering action pursuant to this paragraph, the Conference of the States Parties [and the Executive Council] shall, [as appropriate,] take into account all information and recommendations on the issues submitted by the States Parties [the Director-General of the Organization] [and the Executive Council]. 2/

"2. In cases where a State Party has been requested by the Conference of the States Parties or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference of the States Parties [or the Executive Council] may, inter alia, [upon the recommendation of the Executive Council,] decide, taking into account all information and recommendations submitted according to paragraph 1, to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty [until it undertakes the necessary action to conform with its obligations under this Treaty or] until the Conference of the States Parties [or the Executive Council] decide otherwise.

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"1/ Any reference to the Executive Council in the text of the Treaty is without prejudice to the decision on the existence of the Executive Council within the Organization.

"2/ A delegation has suggested that some functions might be carried out by a Panel of Experts.

"3. In cases where [serious] damage to the object and purpose of this Treaty may result from activities prohibited under this Treaty, 3/ the Conference of the States Parties [or the Executive Council], [upon the recommendation of the Executive Council,] may recommend [collective] measures to States Parties in conformity with international law.

"4. [In cases of particular gravity, the Conference of States Parties, or alternatively, if the case is also urgent, the Executive Council,] shall bring the issue, including relevant information and conclusions, to the attention of the General Assembly and the Security Council of the United Nations. 4/

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"3/ A delegation has proposed adding 'withdrawal of a nuclear weapon State or a nuclear advanced State Party to the Treaty'.

"4/ A delegation has proposed replacing paragraphs 3 and 4 with the following: 'In cases where a State Party has been found by the Executive Council to be in non-compliance with the basic obligations of the Treaty, the Executive Council shall bring the issue, including all relevant technical information and evidence, to the attention of the Security Council of the United Nations.'

## "SETTLEMENT OF DISPUTES

"1. Disputes that may arise concerning the application or the interpretation of this Treaty shall be settled in accordance with the relevant provisions of this Treaty and in conformity with the provisions of the Charter of the United Nations.

"2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the application or interpretation of this Treaty, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this treaty and, by mutual consent, referral to the International Court of Justice in conformity with the statute of the Court. The parties involved shall keep the Executive Council informed of actions being taken.

"3. The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference of the States Parties and recommending, [if the Executive Council considers necessary,] a time-limit for any agreed procedure.

"4. The Conference of the States Parties shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. 1/ The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes, in conformity with Article __.

"5. The Conference of the States Parties and the Executive Council are separately empowered, subject to the authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose, in accordance with Article __.

"6. This Article is without prejudice to Article __ of this Treaty on measures to redress a situation and ensure compliance, including sanctions, [or to the Protocol to this Treaty].

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"1/ A delegation has suggested that some functions might be carried out by a Panel of Experts.

## "PRIVILEGES AND IMMUNITIES

"1. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

"2. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council, together with their alternates and advisers, the Director-General and the staff of the Organization, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

"3. The legal capacity, privileges and immunities referred to in this Article shall be defined in agreements between the Organization and the States Parties as well as in an agreement between the Organization and the State in which the headquarters of the Organization is seated. Such agreements shall be considered and approved by the Conference of the States Parties [or the Executive Council, as necessary].

"4. Notwithstanding paragraphs 1 and 2, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Protocol to this Treaty.

## "SIGNATURE

"This Treaty shall be open to all States for signature before its entry into force.

## "RATIFICATION

"This Treaty shall be subject to ratification by signatory States according to their respective constitutional processes.

## "ACCESSION

"Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

## "DEPOSITARY

"1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.

"2. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments [and changes] thereto, any notice of withdrawal and the receipt of other notices. [The Depositary shall also inform the Security Council of the United Nations of any notice of withdrawal.]

"3. The Depositary shall send duly certified copies of this Treaty to the Governments of the signatory and acceding States.

"4. This Treaty shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

## "STATUS OF THE PROTOCOL(S) [AND ANNEX(ES)]

"The Protocol(s) [and Annex(es)] to this Treaty form an integral part of the Treaty. Any reference to this Treaty includes the Protocol(s) [and Annex(es)].

## "AUTHENTIC TEXTS

"This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

## "Part 2

## "PREAMBLE

"The States Parties to this Treaty, hereinafter referred to as the 'States Parties',

"[Convinced that the present international situation provides an opportunity to take further effective measures against the proliferation of nuclear weapons in all its aspects,]

"[Affirming that effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority, that the early realization of complete prohibition and thorough destruction of nuclear weapons is the common goal of the international community, and that to this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and to take other measures to prevent nuclear war, to eliminate the danger of the threat or use of nuclear weapons, and to avoid the proliferation of nuclear weapons in all its aspects],

"[Reaffirming that all the nuclear-weapon States, in particular those which possess the most important nuclear arsenals, bear a special responsibility for the realization of thorough nuclear disarmament,]

"Welcoming the positive measures adopted in recent years in the field of nuclear disarmament, including deep reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects, [welcoming the conclusion of the START I and START II agreements, envisaging drastic reductions in present strategic nuclear arsenals,]

"Underlining the importance of the full and prompt implementation both of these measures and [of] [all the] other international arms control and disarmament agreements in these fields;

"[Stressing the need for further reductions of tactical and strategic nuclear weapons and their delivery systems, [so as to achieve the goals of complete prohibition and thorough destruction of nuclear arms at an early date,]]

"[Declaring their intention to undertake further measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects,]

"[Urging all States, especially the nuclear-weapon States, soon to support or respond to the proposals or initiatives designed to secure the avoidance of the use of nuclear weapons and the prevention of nuclear war, and urging also the nuclear-weapon States to conclude as soon as possible international agreements on no threat or use of nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and on no-first-use of nuclear weapons against each other,] "Convinced that an internationally and effectively verifiable [and binding] comprehensive [nuclear test] ban [on all nuclear [weapon] test [explosions] [and any other nuclear explosions]] [within the framework of an effective nuclear disarmament process] would contribute to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security [, and would be in the interest of mankind],

"[Noting that the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water have undertaken, inter alia, to prohibit, to prevent, and not to carry out any nuclear weapon test [explosion], or any other nuclear explosion, in the atmosphere, in outer space or under water, that those Parties expressed their determination to seek to achieve the discontinuance of all test [explosions] of nuclear weapons for all time and to continue negotiations to this end, [and that the obligations for those Parties under that Treaty are not affected by the present obligations,]]

"[Recalling the reiteration of this [objective] [aspiration] in the Preamble to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons,]

"[Believing that it is of great significance for the prevention of the proliferation of nuclear weapons in all its aspects that all the non-nuclear-weapon States join the Treaty on the Non-Proliferation of Nuclear Weapons and undertake not to acquire or develop nuclear weapons,]

"Deeply convinced that, to maximize the contribution of this Treaty to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security, this Treaty should be universal, and urging all States to participate therein,

"[Stressing their desire that this Treaty should contribute effectively to the protection of the environment,]

"[Seeking international verification means which utilize to the extent possible existing systems of geophysical monitoring, and seeking to make the data acquired from the monitoring systems established pursuant to this Treaty available publicly for research on problems of broad international scientific interest,]

"[Affirming that this Treaty seeks to achieve the discontinuance of all nuclear weapon test [explosions] and all other nuclear explosions as well as the discontinuance of all preparations immediately leading thereto,]

"Have agreed as follows:

"SCOPE

"[1. Each [State Party] [of the Parties to this Treaty] undertakes [to prohibit, and to prevent, and] not to carry out, [at any place and] [in any environment,] any nuclear weapon test [explosion] [which releases nuclear energy] [in any form or any type], or any [other] [peaceful] nuclear [test] [explosion], [and undertakes to prohibit and prevent any such nuclear explosion] at any place [under [or beyond] its jurisdiction or control] [, with the exception of any explosions which may be authorized in exceptional circumstances] [.] [:]

"[(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

"(b) underground.]

"2. Each [State Party] [of the Parties to this Treaty] undertakes, furthermore, to refrain from causing, encouraging, [assisting,] [preparing,] [permitting,] or [in any way] participating in, [the carrying out anywhere of] any [nuclear [test] [explosion] referred to in paragraph 1 of this Article] [nuclear weapon test [explosion] [as referred to in paragraph 1 of this Article] or any] [other] [peaceful] [nuclear explosion] [, which would take place in any of the environments described in paragraph 1 of this Article].]

## "[PEACEFUL USE OF NUCLEAR ENERGY AND PEACEFUL NUCLEAR EXPLOSION

### "1. Peaceful Use of Nuclear Energy

"(a) Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

"(b) All the States parties undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

### "2. Peaceful Nuclear Explosion [1]

"(a) 'Peaceful nuclear explosion' means: the nuclear explosion activity with nuclear fission and/or nuclear fusion, which releases nuclear energy at very fast rate, and which is purely for scientific research or civilian applications.

"(b) A nuclear-weapon State Party should submit a request to the Executive Council for approval when it intends to conduct a peaceful nuclear explosion by itself or for a non-nuclear-weapon State Party as requested by the latter. The request to the Executive Council shall contain such details as the purpose, site and time of the intended explosion. The request shall be approved by a two-thirds majority of the members of the Executive Council present and voting.

"(c) At the explosion site, the detection instrument and equipment installed by the Nuclear Weapon State which provided the explosion device shall be of the role only to detect the yield of the explosion. No instrument or equipment shall be installed which can possibly be used for nuclear weapon test purposes.

"(d) In the Verification Protocol annexed to this Treaty, special chapters and articles shall be set up, and detailed provisions shall be made for the monitoring and verification of peaceful nuclear explosions.]

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"[1] A number of delegations oppose the inclusion in this Treaty of any section on so-called Peaceful Nuclear Explosions.

## "THE ORGANIZATION

"1. The States Parties to this Treaty hereby establish a body [, the Organization for the Complete Prohibition of Nuclear Tests] [the Comprehensive Test-Ban Treaty Organization], hereinafter referred to as the 'Organization' to [promote the objectives] [achieve the object and purpose] of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

"2. All States Parties to this Treaty shall be members of the Organization. [No State Party should be deprived of its membership in the Organization.]

"3.1 The seat of the Organization shall be in [ ... ] [Vienna].

"[3.2 The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the provisions set forth in the Confidentiality Annex.]

"[4.1 The Organization shall conclude an agreement with the International Atomic Energy Agency (IAEA) through which the IAEA shall be entrusted with the verification responsibilities determined by this Treaty [and its Protocol] and with the rendering of all conference, logistic and infrastructural support required by the Organization.] 1/

"[4.2 The Organization shall seek to benefit from existing international expertise and facilities where possible, and to maximize cost efficiencies, by developing a collaboration with the International Atomic Energy Agency and other bodies whereby functions of the Organization are delegated to the maximum degree consistent with adequate financial and resource management. Such arrangements (excluding those of a minor and normal commercial and contractual nature) are to be set out in agreements, which are to be submitted to the Conference of the States Parties for approval.] 2/

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"1/ A delegation stated that a decision on the Organization could only be taken after a comparative cost estimate is made with regard to the various proposed options in this regard.

"2/ Some delegations suggest that an option for the Organization might be an Organization entirely independent of the IAEA.

"5.1 There are hereby established as organs of the Organization the Conference of the States Parties, hereinafter referred to as the 'Conference', the Executive Council 3/ and the [Technical] Secretariat which shall include an International Data Centre.

"[5.2 The election of the members in the Executive Council and the recruitment of the staff in the [Technical] Secretariat (including the International Data Centre) shall follow the principle of equitable geographical distribution.]

"[5.3 The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.]

"6. The Conference shall establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty.

"7. The costs of the Organization's activities shall be paid by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and this Organization [and subject to provisions of Articles ... ].

"8. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. [The Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.]

### "The Conference of the States Parties

"9. The Conference of the States Parties is composed of all States Parties. It is the principal organ of the Organization and shall:

"(a) consider any questions, matters or issues within the scope of this Treaty, including those related to the power and functions of the Executive Council and the [Technical] Secretariat [as set out in the Treaty];

"(b) oversee the implementation of, and compliance with, this Treaty;

"(c) oversee the activities of the Executive Council and of the [Technical] Secretariat; and

"[(d) oversee the implementation of the Agreement between the Organization and the IAEA].

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"3/ Any reference to the Executive Council in the text of the Treaty is without prejudice to the decision on the existence of the Executive Council within the Organization.

"[(e) appoint the [Director-General] of the [Technical] Secretariat.]

"[(f) foster international cooperation for peaceful purposes in the field of nuclear activities.]

"10. The Conference shall take decisions on matters of procedure, including decisions to convene special sessions of the Conference [, by a simple majority of the members present and voting. Decisions on matters of substance shall be taken [as far as possible] by consensus. [If consensus is not attainable, when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty.] When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance].

### "The Executive Council

"11. The Executive Council, which is the executive organ of the [Organization] [Conference of the States Parties], shall:

"(a) promote effective implementation of, and compliance with, this Treaty [as set out in the Treaty];

"(b) carry out the powers and functions entrusted to it under this Treaty as well as those delegated to it by the Conference of the States Parties [as set out in the Treaty];

"[(c) supervise the [operation] [activities] [implementation of functions and duties] of the [Technical] Secretariat [, in particular the operation of the International Data Centre].]

"[(d) supervise the operation of the Agreement between the Organization and the IAEA;] and

"(e) provide a forum for [handling] [considering] complaints and allegations of non-compliance, [applications to conduct peaceful nuclear explosions] [or requests for [challenge] on-site inspections] [and approval of such requests by a two-thirds majority of all its members] [decide whether sufficient grounds exist for an on-site inspection] [based on the report of the [Technical] Secretariat, including the expert evaluation and recommendations regarding the suspected event].

"[(f.1) oversee the international exchange of routine monitoring data among all States Parties through the activities of the International Data Centre; and] "[(f.2) make a judgement on the data information of possible non-compliance provided by the International Data Centre and preliminarily analysed and assessed by the [Technical] Secretariat.]

"[(g.1) receive, take any necessary action, and implement requests from States Parties for on-site inspections as provided for in the Protocol to this Treaty.]

"[(g.2) examine and take decision on the request for conducting a peaceful nuclear explosion.]

"[(h) examine and take decision on the request for conducting a challenge on-site inspection.]

"[(i) review the final report of the challenge on-site inspection team and take decisions on, inter alia, whether any non-compliance has occurred, whether the request for the challenge on-site inspection had been within the scope of this Treaty, or whether the right to request a challenge on-site inspection had been abused.]

"[12.1 The Executive Council shall consist of [41] [65] members. It shall comprise the members of the Board of Governors of the IAEA that are States Parties to this Treaty and additional members to be elected by the Conference for periods of two years, with due regard being given to an equitable geographical distribution. These additional members shall be elected from among States Parties to this Treaty which are not members of the Board of Governors of the IAEA, including those that are not members of the IAEA. The elections to the Executive Council are to be held after the elections of the Board of Governors and the tenure of the members of the Executive Council shall coincide with that of the members of the Board of Governors of the IAEA.]

"[12.2 The Executive Council shall comprise ... States Parties elected for a period of two years by the Conference, [with due regard being given to an equitable [political] and geographical distribution] [on a rotational basis with no State Party excluded]. [Each of the nuclear-weapon States shall have a permanent seat therein.] [In addition, the States Parties that are nuclear-weapon States Parties to the Nuclear Non-Proliferation Treaty of 1968 shall be members of the Executive Council.]

"[12.3 The Executive Council shall be composed as follows:

"(a) The Conference of the States Parties shall designate for membership on the Executive Council the 10 members most advanced in the technology of nuclear energy including the production of source materials, and the member most advanced in the technology of nuclear energy including the production of source materials in each of the following areas in which none of the aforesaid 10 is located:

1. North America
2. Latin America
3. Western Europe

4. Eastern Europe
5. Africa
6. Middle East and South Asia
7. South-East Asia and the Pacific
8. Far East

"(b) The Conference of the States Parties shall elect to membership of the Executive Council:

"(i) Twenty members with due regard to equitable representation on the Council as a whole of the members in the areas listed in subparagraph (a) of this paragraph so that the Council shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the Middle East and South Asia, one representative of the area of South-East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office, and

"(ii) one further member from among the members in the following areas:

- Middle East and South Asia
- South-East Asia and the Pacific
- Far East

"(iii) one further member from among the members in the following areas:

- Africa
- Middle East and South Asia
- South-East Asia and the Pacific

"(c) The designations provided for in subparagraph (a) of this paragraph shall take place at the first meeting of the Conference and thereafter at regular annual sessions of the Conference, in accordance with IAEA data. Members so designated shall hold office from the end of the session of the Conference at which they were designated until the end of the following regular annual session of the Conference.

"(d) The elections provided for in subparagraph (b) of this paragraph shall take place at the first meeting of the Conference and thereafter at regular annual sessions of the Conference. Members so elected shall hold office from the end of the session of the Conference at which they are elected until the end of the second regular annual session of the Conference thereafter except in the first year, when half of the members shall hold office until the end of the following regular annual session of the Conference, due regard being paid to the established numerical proportions specified in subparagraph (b).

"(e) The countries included in each of the geographical areas referred to in this paragraph are listed in Annex [ ... ].]

"[13. Unless otherwise specified in this Treaty, the Executive Council shall take decisions on matters of substance [including the decision to approve a request for an on-site inspection] by a two-thirds majority of all its members [present and voting]. The Executive Council shall take decisions on matters of procedure by a simple majority of all its members [present and voting]. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.]

"The [Technical] Secretariat

"[14.1 The [Technical] Secretariat [as an international, professional and impartial organ] shall assist Member States, the Executive Council and the Conference of States Parties and shall, in particular:

"(a) receive and process requests for on-site inspections, in accordance with the provisions of Article ...;

"[(b) carry out the administrative responsibilities related to the Agreement between the Organization and the IAEA, including the expedition of all required notifications].

"[14.2 The [Technical] Secretariat [as an international, professional and impartial organ] shall assist States Parties, the Conference of the States Parties and the Executive Council in the performance of their functions.

"The [Technical] Secretariat shall be headed by a Director-General. [The [Technical] Secretariat shall include, as an integral part, the International Data Centre.] The [Technical] Secretariat shall:

"(a) be responsible for the verification measures provided for in the Treaty and carry out such other functions as may be entrusted to it by the Conference of States Parties or the Executive Council [as set out in the Treaty];

"(b) coordinate international cooperative arrangements to receive, [analyse] and facilitate an exchange on data obtained through the International Monitoring System;

"(c.1) conduct on-site monitoring and inspection in accordance with the procedures set out in the Treaty;

"[(c.2) routinely analyse the monitored data of the International Monitoring System with the aim of identifying, according to pre-defined criteria specified in Part ... of the Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty;]

"[(d.1) cooperate with the national authorities of the States Parties to resolve uncertainties that a State Party may have about an event relevant to compliance with the Treaty.]

"[(d.2) conduct an expert evaluation with a suspected State Party to resolve a significant event detected by the International Monitoring System or other reliable evidence of non-compliance submitted by States Parties.]

"[(e) be responsible for, supervise and coordinate the operation of the six international monitoring networks under this Treaty.]

"[(f) operate an International Data Centre to serve as the data-gathering and data-dissemination and preliminary technical analysis and assessment centre for the six international monitoring networks.]

"[(g) from the scientific and technical perspective, preliminarily analyse and assess the data obtained through the six international monitoring networks under this Treaty, and report suspicious events to the Executive Council for its judgement and decision.]]

"15.1 The duties, functions and organization of the Conference of the States Parties, the Executive Council and the [Technical] Secretariat are further outlined in the Protocol to this Treaty.

"[15.2 The International Data Centre shall [receive] collect, [process] [analyse,] [make preliminary analysis] and archive all data received by the [verification system] [international monitoring system] and produce bulletins of detected events in a timely manner. The International Data Centre shall also receive and archive data from on-site inspections and on-site visits.]

"[15.3 The [Technical] Secretariat shall include, as an integral part, the International Data Centre. The International Data Centre will supervise the International Monitoring System, collect and disseminate the monitoring data, and analyse that data with the aim of identifying significant events indicating possible non-compliance with the basic obligations of the Treaty.]

"[15.4 The International Data Centre shall:

- receive, restore, and categorize the data transmitted from the six international monitoring networks, and assist in the preliminary analysis and assessment of such data, in the dissemination of data to all the States Parties and in reporting to the Executive Council;

- assist in ensuring the proper operation of the international monitoring networks under this Treaty in accordance with the established criteria and standards.]

# "PROTOCOL

## "Section I. The Organization

## "Part 1. The Conference of the States Parties

### "Composition, procedure [and decision-making]

"1. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.

"2. The first session of the Conference shall be convened by the Depositary no later than [30] days after entry into force of this Treaty.

"3. The Conference shall meet annually [,following the annual meeting of the General Conference of the IAEA], unless it decides otherwise.

"4. A special session of the Conference shall be convened:

"(a) when decided by the Conference;

"(b) [when requested by the Executive Council;]

"(c) when requested by any State Party and supported by [one third] of the States Parties; or

"(d) in accordance with Article ___ of this Treaty to undertake reviews of the operation of this Treaty.

"The special session shall be convened no later than 30 days after the decision of the Conference, [the request of the Executive Council,] or the attainment of the necessary support, unless specified otherwise in the decision or request.

"5. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article ___ of this Treaty.

"6. Sessions shall take place at the Headquarters of the Organization unless the Conference decides otherwise.

"7. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.

"8. A simple majority of the States Parties shall constitute a quorum.

"9. Each State Party shall have one vote.

"Powers and functions

"10. The Conference shall consider any questions, matters or issues within the scope of this Treaty, including those relating [to the Agreement between the Organization and the IAEA and those relating] to the powers and functions of the Executive Council and the [Technical] Secretariat. It may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.

"11. The Conference shall review compliance with the provisions of this Treaty. It shall also oversee the activities of the Executive Council and the [Technical] Secretariat and may issue guidelines in accordance with this Treaty to either of them for the exercise of their functions. [It may also issue guidelines to the IAEA, in accordance with the Agreement between the Organization and the IAEA.]

"12. The Conference shall:

"(a) consider and adopt the report of the Organization on the implementation of this Treaty and the annual programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;

"(b) decide on the scale of financial contributions to be paid by States Parties in accordance with Article ___ of this Treaty;

"(c) elect [and designate] the members of the Executive Council [in accordance with the provisions of this Treaty];

"(d) appoint the [Director-General];

"(e) consider and approve the rules of procedure of the Executive Council submitted by the latter;

"[(f) Review scientific and technological developments that could affect the operation of this Treaty [and, in this context, direct the Director-General [of the IAEA, in accordance with the Agreement between the Organization and the IAEA] to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialized advice in areas of science and technology relevant to this Treaty, to the Conference, the Executive Council or States Parties. The Scientific Advisory Board shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;]]

"(g) take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article ___ of this Treaty;

"(h) consider and approve at its first session any draft agreements, provisions and guidelines developed by the Preparatory Commission [,including the Agreement between the Organization and the International Atomic Energy Agency (IAEA), in accordance with Article ___ of this Treaty].

"Part 2. The Executive Council

"Composition, procedures [and decision-making]

"1. Each member of the Executive Council shall have one representative in the Executive Council, who may be accompanied by alternates and advisers.

"[2.1 For the first election of the Executive Council ___ members shall be elected for a term of one year, due regard being paid to the [distribution] [principles of membership] described in Article ___ of this Treaty.]

"[2.2 The Conference shall elect as many candidates as are necessary to complete the composition of 41 members to the Executive Council, in accordance with Article ____ of this Treaty. For the first election [41] [65] members shall be elected for a term of one year.]

"3. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

"4. The Executive Council shall elect its Chairman from among its members.

"5.1 The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.

"5.2 [ ... members of the Executive Council shall constitute a quorum]

"Powers and Functions

"6. The Executive Council is responsible to the Conference. It shall carry out the powers and functions entrusted to it under this Treaty and this Protocol, as well as such functions delegated to it by the Conference [as set out in the Treaty]. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.

"7.1 The Executive Council shall:

"[(a) facilitate consultations and cooperation among States Parties [and the Secretariat], including the resolution of ambiguous events through information exchanges and further cooperation;]

"[(b) direct the [Technical Secretariat] [IAEA, in accordance with the Agreement between the Organization and the IAEA] to begin preparations for an on-site inspection immediately upon receipt of a request] [from the Technical Secretariat];

"(c) make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;

"(d) cooperate with the National Authority of each State Party;

"(e) consider and submit to the Conference the draft annual programme and budget of the Organization, the draft report of the Organization on the implementation of this Treaty, [the report of the IAEA, in accordance with the Agreement between the Organization and the IAEA], the report on the performance of its own activities and such other reports as it deems necessary or which the Conference may request;

"(f) make arrangements for the sessions of the Conference, including the preparation of the draft agenda;

"(g) examine proposals for changes, on matters of an administrative or technical nature, [to the Agreement between the Organization and the IAEA, in accordance with that Agreement] and to this Protocol, pursuant to Article ___ of this Treaty, and make recommendations to the States Parties regarding their adoption;

"(h) conclude agreements or arrangements with States and international organizations on behalf of the Organization, subject to prior approval of the Conference;

"(i) approve agreements or arrangements relating to the implementation of the verification activities negotiated with States Parties by the [Technical Secretariat] [IAEA, in accordance with the Agreement between the Organization and IAEA];

"(j) [approve Operational Manuals [prepared by the Technical Secretariat]];

"(k) consider any issue or matter within its competence relating to this Treaty and its implementation, including concerns raised by a State Party regarding compliance, and cases of non-compliance, and, as appropriate, notify States Parties and bring the issue or matter to the attention of the Conference.

"7.2 [The Executive Council may request a special session of the Conference.]

"8. In its consideration of concerns regarding compliance and cases of non-compliance, including, inter alia, abuse of the rights established by this Treaty, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation [,if necessary,] within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, inter alia, one or more of the following measures:

"(a) notify all States Parties of the issue or matter;

"(b) bring the issue or matter to the attention of the Conference;

"(c) make recommendations to the Conference regarding measures to redress the situation and to ensure compliance.

"9. [The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including [the] [all reliable evidence and other] relevant information and conclusions, directly to the attention of the General Assembly [or] [and] or the Security Council of the United Nations. It shall at the same time notify all States Parties of this action.

"[Part 3. The Secretariat

"1. The Secretariat shall carry out the functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council [in accordance with this Treaty]. In so doing, it shall act in conformity with the recommendations, decisions, and guidelines of the Conference and the Executive Council and ensure their continuous and proper implementation.

"2. The Secretariat shall consist of a [Director-General], appointed by the Conference [upon the recommendation by the Executive Council] for a period of four years, who shall be its head and chief administrative officer, and such other personnel as may be required. The [Director-General] may be reappointed for one additional term, but not thereafter. Only citizens of States Parties shall serve as members of the staff of the Secretariat.

"3. The [Director-General] shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of [professional expertise, experience] efficiency, competence and integrity. [Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible]. [The Secretariat should also be staffed strictly in accordance with the principle of equitable geographic distribution]. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Secretariat, and the Professional Staff shall not exceed ___.

"4. The Secretariat shall:

"(a) [[direct the IAEA, in accordance with the Agreement between the Organization and the IAEA, to] begin preparations for an on-site inspection [immediately upon [its identification of a significant suspected event or upon] receipt of a request from a State Party] [concurrently with the expert evaluation of the event, being conducted with the suspected State Party]];

"(b) prepare and submit to the Executive Council the draft programme and budget of the Organization;

"(c) prepare and submit to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

"(d) address and receive communications on behalf of the Organization relating to the implementation of this Treaty;]

"[Part 3. The Technical Secretariat

"1. The Technical Secretariat shall carry out the functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council [in accordance with this Treaty]. In so doing, it shall act in conformity with the recommendations, decisions, and guidelines of the Conference and the Executive Council and ensure their continuous and proper implementation.

"2. The Technical Secretariat shall:

"(a) [coordinate international cooperative arrangements to receive, process [analyse] and make reports on technical data relevant to the monitoring of this Treaty;]

"[(b) begin preparations for an on-site inspection immediately upon [its identification of a significant suspected event or upon] receipt of a request from a State Party; [concurrently with the expert evaluation of the event, being conducted with the suspected State Party]]

"(c.1) [conduct on-site monitoring and inspection pursuant to the provisions of Article ___ and Section II of this Protocol;]

"(c.2) [Conduct on-site monitoring and voluntary inspection at the invitation of a State Party or otherwise pursuant to the provisions of Article ___ and Section II of this Protocol;]

"(c.3) [Conduct on-site inspection upon approval of the Executive Council;]

"(d) cooperate with the National Authorities of the States Parties to resolve uncertainties regarding compliance with the Treaty;

"(e) assist the States Parties on other issues of verification under this Treaty;

"(f) negotiate agreements or arrangements relating to the implementation of verification activities with States Parties, subject to approval by the Executive Council;

"(g) make arrangements, as appropriate, to receive data relevant to this Treaty from national, regional or international data management centres.

"3. [The Technical Secretariat shall develop and maintain, subject to approval by [the Executive Council] [the Conference] Operational Manuals to guide the operation of the various components of the verification system, in accordance with Article ___ of this Treaty and Section ___ of this Protocol.] These Manuals shall not constitute integral parts of this Treaty or this Protocol and may be changed by the Technical Secretariat subject to approval by [the Executive Council] [the Conference] [in accordance with agreed procedures. The Technical Secretariat shall promptly inform the States Parties of any changes in the Operational Manuals].

"4. The Technical Secretariat shall coordinate the operation of the monitoring networks established under the International Monitoring System. In this connection, the Technical Secretariat shall:

"(a) operate the International Data Centre to process, [analyse] and report on the data gathered by the verification [system] [networks];

"(b) supervise and coordinate stations in the monitoring networks;

"(c) ensure that the operation of participating stations and their reporting are in compliance with the relevant Operational Manuals;

"(d) provide technical assistance in, and support for, the installation and operation of monitoring stations in regions of the world where such assistance and support is needed;

"(e) compile and assess the results and experiences of the operation of the monitoring networks.

"5.1 [The International Data Centre shall [receive] collect, [process] [analyse] [make preliminary analysis], and archive all data received by the [verification system] [international monitoring system] and produce bulletins of detected events in a timely manner. The International Data Centre shall also receive and archive data from on-site inspections and on-site visits.]

"5.2 [The Technical Secretariat shall routinely analyse the monitored data of the International Monitoring System with the aim of identifying, according to pre-defined criteria specified in Part ___ of the Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty.]

"5.3 [The Technical Secretariat shall conduct an expert evaluation with a suspected State Party to resolve a significant event detected by the International Monitoring System or other reliable evidence of non-compliance submitted by States Parties.]]

"[6. The Technical Secretariat shall receive, compile, [analyse] and make available to all States Parties any additional information that a State Party may provide to it.]

"7. [If so requested, the Technical Secretariat shall forward any request for information made by any State Party to any other State Party regarding any event relevant to this Treaty occurring on the territory or at any other place under the jurisdiction or control of the latter State. The Technical Secretariat shall receive, compile, and report to the requesting State any information received in response to such requests.]

"8. The Technical Secretariat shall facilitate [expert] consultations among States Parties to resolve issues related to the verification of this Treaty.

"9. The Technical Secretariat shall consist of a Director-General, appointed by the Conference [on the recommendation of the Executive Council] for a period of four years, who shall be its head and chief administrative officer, and such scientific, technical, and other personnel as may be required. The Director-General may be reappointed for one additional term, but not thereafter. Only citizens of States Parties shall serve as members of the staff of the Technical Secretariat.

"10. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of [professional expertise, experience,] efficiency, competence and integrity. [Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible]. [The Secretariat shall also be staffed strictly in accordance with the principle of equitable geographic distribution]. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

"11. [The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 12 (f) of Part 1 of this Section. The Director-General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty. [The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.]]

"12. In the performance of their duties, the Director-General, the inspectors and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization.

"13. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

"14. The Technical Secretariat shall:

"(a) prepare and submit to the Executive Council the draft programme and budget of the Organization;

"(b) prepare and submit to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

"(c) provide administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

"(d) address and receive communications on behalf of the Organization relating to the implementation of this Treaty;

"(e) provide technical assistance and support [and technical evaluation] to States Parties in the implementation of the provisions of this Treaty.

"15. [The Technical Secretariat shall [comprehensively] inform the Executive Council of any problems that have arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Treaty and this Protocol that have come to its notice in the performance of its monitoring and inspection activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned.]]

## "RESERVATIONS

"[The Articles of this Treaty shall not be subject to reservations. The provisions of the Protocol of this Treaty shall not be subject to reservations incompatible with its object and purpose.] 1/

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"1/ A delegation is of the view that at this stage all possible options with respect to the provision on Reservations should be kept open.

## "ENTRY INTO FORCE

"1.1 [This Treaty shall enter into force 180 days after the date of the deposit of the [ ... th] instrument of ratification including ... ], but in no case earlier than two years after its opening for signature.]

"1.2 [This Treaty shall enter into force 180 days after the date of the deposit of the instrument of ratification by [ ... per cent of] all States which have, have ever had, or have under construction, nuclear power or nuclear research reactors at the date of the opening of the Treaty for signature, but in no case earlier than two years after its opening for signature.

"For the purposes of this Treaty, a State which has, has ever had, or has under construction, nuclear power or nuclear research reactors is one so specified in the International Atomic Energy Agency list contained in Annex ... to this Treaty.]

"1.3 [This Treaty shall enter into force when the following requirements have been met:

"(a) One year after the ratification by all the member States of the Conference on Disarmament which are members at the time when the Treaty is open for signature and all the countries known to the International Atomic Energy Agency at that time as having nuclear capabilities (i.e. in possession of nuclear power stations or nuclear reactors);

"(b) Not earlier than two years after this Treaty is open for signature.]

"1.4 [This Treaty shall enter into force 180 days after the date of the deposit of the instrument of ratification by all States members of the Conference on Disarmament and all States which have applied for membership prior to ..., but in no case earlier than two years after its opening for signature.]

"1.5 [This Treaty shall enter into force 180 days after the date of the deposit of the instrument of ratification by all States members of the Conference on Disarmament, and observers to the Conference on Disarmament during the ... session as specified in the Annex ..., but in no case earlier than two years after its opening for signature.]

"1.6 [This Treaty shall enter into force 180 days after the date of the deposit of the instrument of ratification by 80 per cent of the States (members or observers to the Conference on Disarmament) which participated in the negotiations, but in no case earlier than two years after its opening for signature.]

"2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the [30th day following the date] [date] of deposit of their instruments of ratification or accession.

## "DURATION AND WITHDRAWAL

"1. This Treaty [is of a permanent nature and shall remain in force indefinitely] [is of limited nature and shall remain in force for ... years] [shall be of unlimited duration]. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events [,in particular, developments altering the conditions which have allowed the entry into force of this Treaty] [related to the subject matter of this Treaty,] [such as another State Party violating provisions essential to the object and purpose of this Treaty, or has acted in violation of the spirit of this Treaty,] have jeopardized its supreme interests. [A nuclear test by a State Party or non-State Party may be sufficient reason for withdrawal.]

"2. Withdrawal shall be effected by giving notice [three] [six] [twelve] months in advance to [all other States Parties, the Executive Council and] the Depositary [who shall circulate such notice to all other Parties] and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event(s) which a State Party regards as jeopardizing its supreme interests.

"[3. The withdrawal of a State Party from this Treaty shall not in any way affect the duty of this State or other States to continue fulfilling the obligations assumed under other international agreements related to non-proliferation of nuclear weapons, nuclear arms control, nuclear disarmament and security assurances against the use of nuclear weapons.]

## "AMENDMENTS

"1. At any time after the entry into force of this Treaty, any State Party may propose amendments to the Treaty [or amendments or changes to the annexed Protocol]. [Such amendments should not be incompatible with the object and purpose of this Treaty.] The proposed amendment shall be considered and adopted only by an Amendment Conference.

"2. Any proposal for an amendment shall be communicated to the [Director-General] [Depositary], who shall circulate it to all States Parties [the Executive Council] [and the Depositary] and seek their views on whether an Amendment Conference should be convened to consider the proposal. If [one-third or more] [a majority, that shall not be less than thirty of the States Parties, including the nuclear-weapon States] [two-thirds] of the States Parties [, including the five nuclear-weapon States,] [so agree, the Depositary shall] notify the Director-General not later than [ ... ] days after its circulation that they support further consideration of the proposal, [the Director-General] shall convene an Amendment Conference to which all States Parties shall be invited [the Executive Council shall decide on whether to convene an Amendment Conference by a simple majority].

"3. [As a rule, the Amendment Conference shall be held immediately following a regular session of the Conference, unless the requesting States Parties ask for an earlier meeting and the Executive Council so decides by a two-thirds majority.] [The Amendment Conference shall be held immediately following a regular session of the Conference, unless a majority of the States Parties which support the convening of an Amendment Conference request that it be held earlier.] In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

"4. Amendments shall be adopted by the Amendment Conference by a positive vote of [a majority of] [all] the States Parties [present and voting] [including the five nuclear-weapon States] [with no State Party casting a negative vote].

"5. [Amendments shall enter into force for all States Parties 30 days after the deposit of the instruments of ratification or acceptance by all the States Parties casting a positive vote at the Amendment Conference.] [Amendments shall enter into force for a State Party after the deposit of instrument of ratification by it and 30 days after the deposit of the instruments of ratification by a majority of all the State Parties.]

"[6. In order to ensure the viability and effectiveness of this Treaty, [x,y,z..] provisions in the Protocol shall be subject to changes in accordance with paragraph 7, if the proposed changes are related only to matters of an administrative or technical nature. Sections [x,y,z..] of the Protocol shall not be subject to changes in accordance with paragraph 7.]

"[7. Proposed changes referred to in paragraph 6 shall be made in accordance with the following procedures:]

"[(a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

"(b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information to all States Parties and the Executive Council;

"(c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements in paragraph 6. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

"(d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

"(e) If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 6, shall be taken as a matter of substance by the Conference at its next session;

"(f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

"(g) Changes approved under this procedure shall enter into force for all States Parties [30] [180] days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.]

## "REVIEW OF THE TREATY

"[1. [Five] [Ten] years after the entry into force of this Treaty, or earlier if so requested by a majority of the States Parties to the Treaty, by submitting a proposal to this effect to the Depositary, a Conference of the States Parties to the Treaty shall be held to review the operation of the Treaty [and the issues related to the Treaty such as nuclear disarmament] [in order to take into account, in particular, the developments in the international situation,] [with a view to assuring that the [object and] purpose of the [preamble and the provisions of the] Treaty [is] [are] being realized]. [Notwithstanding the provisions of paragraph 2 of Article ... (Duration and Withdrawal) of the Treaty, a State Party may at this time, pursuant to an affirmative decision on its part, elect to withdraw from the Treaty. A State Party so doing shall give other States Parties 180 days advance notice of its decision. The States Parties in attendance at the Conference shall have an opportunity to consider and discuss together the potential consequences of the implementation of any such decision.] 1/ [Such review shall take into account any new scientific and technological developments relevant to the Treaty.]

"2. At intervals of 10 years thereafter, a majority of States Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary, the convening of further Conferences [with the same objectives] [to review the operation of the Treaty, with a view to assuring that the object and purpose of the [Preamble and the provisions of the] Treaty are being realized]. [Such a conference may be held after an interval of less than 10 years if so requested by a two-thirds majority of States Parties [to the Treaty] [present and voting at the annual session of the Conference of States Parties].]]

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"1/ This proposal was made by one delegation and was not discussed.

"NATIONAL IMPLEMENTATION MEASURES

"1.1 Each State Party [shall, in accordance with its constitutional processes] [undertakes to] take any measures it considers necessary [including enacting penal legislation,] to prohibit [and prevent] any activity [prohibited to a State Party under this Treaty] [by its nationals] [in violation of the provisions of the Treaty] anywhere [under its jurisdiction or control and any such activity undertaken anywhere by natural persons possessing its nationality, in conformity with international law] [prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty, including enacting penal legislation with respect to such activity;]

"1.2 [Each State Party shall, in accordance with its constitutional processes, take any necessary measures, including the enactment of penal legislation, to prohibit and prevent any activity in violation of the provisions of the Treaty anywhere under its jurisdiction or control and any such activity undertaken anywhere by natural persons possessing its nationality, in conformity with international law.]

"[2. Each State Party shall inform the Organization established pursuant to Article II of this Treaty of the legislative and administrative measures taken to implement the Treaty.]

"3.1 [In order to fulfil its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the treaty for such a State Party. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.]

"3.2 [Each State Party shall designate or establish a National Authority, which shall have responsibility for the exchanges of information as provided in ___________, for ensuring that national implementation measures are adopted and promulgated, for coordinating governmental and private activities necessary to implement the Treaty fully, and to be the point of contact with the Organization and other States Parties.]

"4. [Each State Party undertakes to cooperate with the Organization in the exercise of its functions in accordance with this Treaty.

"5. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

"6. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.]

### "[SECURITY ASSURANCES FOR STATE PARTIES 1/

"1. Nuclear-weapon States Parties undertake not to be the first to use nuclear weapons against each other.

"2. Nuclear-weapon States Parties undertake not to use or threaten to use nuclear weapons against other States Parties.

"3. Each State Party undertakes to provide, through the United Nations Security Council, necessary assistance to any State Party that comes under attack with nuclear weapons, and to impose strict, effective sanctions on the attacking State.]

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"1/ Several delegations oppose the inclusion in this Treaty of any section on so-called 'security assurances', or any other sections that include proposed undertakings relating to the use of nuclear weapons, on the grounds that such matters are totally beyond the scope of this Treaty and the mandate for its negotiation.

"INTRODUCTION BY CHAIRMAN OF WORKING GROUP 1

"All 'elements for a rolling text' result from a 'first reading' the purpose of which was to collect text elements and ideas, the latter being included in footnotes and text in italics. General provisions and the first five text elements of the international monitoring system in the Treaty were subject to a 'second reading' focusing on the substance. The elements for a rolling text reflect the status of Working Group 1 activities up to 2 September 1994.

"Policy for bracketing

"All 'elements for a rolling text' constitute bracketed language in its entirety. In addition, text elements remained unbracketed if no delegation asked for brackets in the course of the discussions. When delegations asked to bracket certain text elements, these brackets were included. All new text elements provided by delegations were bracketed on the understanding that Working Group 1 did not yet have a chance to develop a judgement on them.

"Numerical order

"The numbers assigned to text elements follow those of Working Paper 137 and Working Paper 150 in order to allow for cross-checking.

"**[TREATY LANGUAGE ON VERIFICATION**

*"A proposal has been made to entrust the IAEA with verification of compliance with the Treaty (see CD/1232). Should this find approval, all the text on verification would have to be reviewed accordingly.*

*"Working Group 2 has not yet agreed on the organs of the Organization, National Authorities, and their respective tasks (see also WP.57 suggesting an Organization without an Executive Council). Following such an agreement, language in the Treaty and the Protocol would have to be reviewed accordingly.*

### "__General Provisions__

"1.1 In order to ensure verification of compliance with the provisions of this Treaty, a verification regime shall be established consisting of the following elements:

"(a) an International Monitoring System, [based on:

- Seismological Monitoring;
- Radionuclide Monitoring;
- Hydroacoustic Monitoring;
- Infrasound Monitoring;
- Satellite Monitoring;
- Optical Monitoring;
- EMP Monitoring;
- (...),]

"(b) Consultation and clarification;

"(c) On-site inspections;

"(d) [National or multinational means of verification]; and

"(e) [Associated measures] [Transparency measures] [Confidence building measures].

"[The verification regime shall be operative [as soon as possible.] [upon the entry into force of this Treaty.]] The arrangements for this [verification regime] are set forth in the Protocol to this Treaty.

"1.1 __bis__ In order to fulfil its obligations under this Treaty, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties. Each State Party shall notify the Organization of its National Authority at the time that this Treaty enters into force for it.

"1.3 [The goal of the [stringent, effective and equitable] verification mechanism to be established shall be to detect in a timely manner [and accurately identify] any nuclear [weapon] test [explosion] prohibited under the Treaty. [The International Monitoring System established should possess the technical capacity required to meet this goal.]]

"1.3 bis (5.5) [Verification activities shall be carried out on the basis of full respect for the sovereignty of States Parties, and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.]

"1.4 [Each State Party shall have the right to make its own interpretation and determination as to the nature of any event having relevance to this Treaty occurring in the course of the implementation of this Treaty and as to the conformity of that event with the provisions of this Treaty.]

"2.1 Each State Party undertakes in accordance with the Treaty to cooperate with other States Parties and with the [Technical Secretariat] [Organization] to facilitate the verification of compliance with this Treaty[.] [inter alia by:

"(a) establishing the necessary facilities to participate in these verification measures and [through its National Authority] establishing the necessary communication channels with the [Technical Secretariat] [Organization];

"(b) providing data obtained from national stations which are part of the International Monitoring System;

"(c) permitting the conduct of on-site inspections and visits;

"(d) providing [notifications, declarations,] and [associated measures;] and

"[(e) providing information from additional relevant techniques, as specified in the Protocol to this Treaty or that may be added to this Treaty in accordance with the Protocol to this Treaty;]]

"2.3 [All States Parties, irrespective of their technical and financial capabilities, shall enjoy the equal right of verification and assume the equal obligation to accept verification.]

"4.1 [States Parties should not be precluded from using additional national or multinational technical means of verification at their disposal, in a manner consistent with generally accepted principles of international law, for the purpose of providing assurance of the compliance with the provisions of this Treaty.]

"4.2 [For the purpose of providing assurance of compliance with the provisions of this Treaty, each State Party shall have the right to use national or multinational technical means of verification at its disposal in a manner consistent with generally accepted principles of international law.]

"4.3 [No State Party shall interfere with national or multinational technical means of verification operating in accordance with these provisions.]

"5.1 In order to ensure the verification of compliance with the provisions of this Treaty, each State Party [as well as the Technical Secretariat] has the right to present to the Executive Council a request for an on-site inspection.

"5.2 The accomplishment of the on-site inspections provided for in this Treaty shall be guided by the principle of conducting the inspections in the least intrusive manner possible, consistent with the effective and timely achievement of their objectives. The inspectors shall seek only the information and data necessary for ensuring the verification of compliance with this Treaty.

"5.3 Each State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to this Treaty.

"5.4 Moreover, all necessary measures shall be taken to protect the confidentiality of the information related to civilian and military activities and facilities obtained during verification activities.

"5.7 No State Party shall interpret the provisions of this Treaty as restricting the international exchange of data for scientific purposes.

"7.1-7.3 [Each State Party undertakes to cooperate with other States Parties and with the Organization in the improvement of existing monitoring facilities, and in the examination of the verification potential of additional technologies, with a view to developing, when appropriate, specific measures to enhance the efficient and cost-effective verification of the Treaty. Such measures affecting the International Monitoring System shall, when agreed, be incorporated in existing provisions in the Treaty, the Protocol annexed to the Treaty or as additional Sections of the Protocol, in accordance with Article ... of the Treaty (amendment provision).]

"7. bis [The provisions of the Treaty shall be implemented in a manner which avoids hampering the economic and technological development of the States Parties for further development of the application of atomic energy for peaceful purposes. [The States Parties shall undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.] [The States Parties shall undertake, furthermore, to promote cooperation among themselves to fully facilitate and participate in, the fullest possible exchange of verification technologies, [seismic or non-seismic technologies,] in order to enable all States Parties to strengthen their national technical means towards implementation of a more effective verification of compliance within the Treaty.]]

## "**Consultation and clarification** 1/

"8. and 10. States Parties shall consult directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on [any matter [which may be raised] relating to the object and purpose, or the implementation of the provisions,] [any matter relating to the verification of compliance with the provisions] [any [suspicious] [ambiguous] events detected by the International Monitoring System that relate to the object and purpose] of this Treaty.

"9.1 [Without prejudice to the right of any State Party to request an on-site inspection [later on],] States Parties [should] [shall], [whenever possible] [as a rule], [first] make every effort to clarify and resolve, through exchange of information and consultations among themselves, any [matter which may cause doubt about compliance with this Treaty] [[suspicious] [ambiguous] events detected by the International Monitoring System that relate to the object and purpose of this Treaty] [, or which gives rise to concerns about a related matter which may be considered ambiguous]. [Requests for clarification shall be based solely on the technical evidence obtained through the International Monitoring System.] [A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt shall provide the requesting State Party as soon as possible, but in any case not later than ... days after the request, with information sufficient to answer the doubt raised along with an explanation of how the information provided resolves the matter.]

"9.2 [Without prejudice to the right of any State Party to request an on-site inspection], a State Party shall have the right to request the Executive Council to assist in clarifying any [situation relevant to this Treaty which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with this Treaty] [[suspicious] [ambiguous] events detected by the International Monitoring System that relate to the object and purpose of this Treaty]. The Executive Council shall provide appropriate information in its possession relevant to such a concern.

"12.3 A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any [situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Treaty] [[suspicious] [ambiguous] events detected by the International Monitoring System that relate to the object and purpose of this Treaty]. In such a case, the following shall apply:

"(a) The Executive Council shall forward the request for clarification to the State Party concerned through the Director-General not later than ... after its receipt;

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"1/ One delegation suggested that this Section be headed 'Procedures for Addressing an Ambiguous Event'.

"(b) [The requested State Party shall provide the clarification to the Executive Council as soon possible, but in any case not later than ... after the receipt of the request;]

"(c) The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than ... after its receipt;

"(d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification.

"12.4 The Executive Council shall inform the States Parties about any request for clarification provided in this Article. 2/

"11. [Prior to submitting a request for on-site inspection to the Executive Council, the Technical Secretariat shall conduct a consultation and clarification process with the State Party involved, as provided in paragraphs ... 3/, in order to clarify any concern of non-compliance.] 4/

"12.3 (e) If the requesting State Party considers the clarification obtained under subparagraph 12.3 (d) to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

"12.5 If the doubt or concern of a State Party about a possible non-compliance has not been resolved within ... after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding its right to request an on-site inspection, it may request a special session of the Conference in accordance with Article ... At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

### "International Monitoring System

"3. [The International Monitoring System shall be placed under the authority of the Technical Secretariat. It shall include an International Data Centre and an international network assembling stations [satellites]

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"2/ A delegation suggested that paragraphs 12.3 and 12.4 should be moved to the Protocol.

"3/ These are paragraphs 29.2, 30.2, 31, 32.2 and 32.3 in the current text.

"4/ A delegation has suggested moving paragraph 11 to the On-Site Inspection Section.

which are part of international networks and others based on national means, which States Parties may put to the disposition of the international community on a voluntary or contractual basis.] [All monitoring stations of the International Monitoring System are owned and operated by States Parties.]

"13.1 [Each State Party to the Treaty undertakes to support the International Monitoring System through its [nationally owned and operated] monitoring stations [satellites] and by providing relevant data to the International Data Centre according to procedures contained in the Protocol.] [The International Monitoring System shall comprise [initially] Seismological Monitoring, Radionuclide Monitoring, Hydroacoustic Monitoring, Infrasound Monitoring, Satellite Monitoring, Optical Monitoring, EMP Monitoring, and the international exchange of respective data.]

"14. [Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre.] [Each State Party shall have a right to transfers of monitoring and data-processing techniques possessed by the International Data Centre.] [The International Data Centre shall make available to interested States Parties all techniques it utilizes to compile, process [and analyse] the information it receives from the [verification system] [international monitoring system].]

"15. The [Technical Secretariat] [Organization] shall, in cooperation with the States Parties, [coordinate] [set up and operate] the International Monitoring System. This system shall consist [initially] of the monitoring stations, [satellites,] specified in Tables ..., annexed to the Protocol, communication means and [the International Data Centre]. The International Monitoring System shall fulfil the technical and operational [and standardization] requirements specified in [the Protocol.] [and] [the Operational Manuals.]

"5.6 [Information obtained by the Organization by means of verification measures established by this Treaty, on-site inspection, notifications, declarations, data exchange, and additional requests for information shall be [provided] [made available] to all States Parties in accordance with the Protocol to this Treaty, unless otherwise agreed. The Organization shall provide for the protection of such information of a proprietary or sensitive nature that is provided to it pursuant to this Treaty.]

"16. [A State Party shall cooperate with the Technical Secretariat in establishing and operating monitoring stations and appropriate corresponding means of international communication on its territory, within areas under its jurisdiction or control, or elsewhere in conformity with international law[, in accordance with the procedures in the relevant Operational Manuals]. [The cooperation between the States Parties and the Technical Secretariat shall cover the establishment of new stations and/or upgrades of existing facilities as appropriate.] [For an existing facility, a State Party shall give the Technical Secretariat authority to access the station as specified in the Operational Manuals and the States Parties shall agree to make the necessary changes in the equipment and the operational procedures to meet agreed requirements.] [A State Party shall cooperate with the Technical

Secretariat to establish a new monitoring station at a site to be agreed upon.] [The State Party shall also give the Technical Secretariat authority to access the station and shall cooperate with the Secretariat in its routine operation.] The Technical Secretariat shall provide the necessary technical assistance [[as] [if so] requested by a [hosting] State Party] to establish, upgrade, operate and maintain the monitoring stations [satellites]. [The detailed arrangements for the establishment and the operation of the International Monitoring System are set out in the Protocol to this Treaty.]] 5/

"17.1 The Technical Secretariat shall monitor the quality of the networks [satellites] and evaluate their overall performance [in accordance with the procedures set forth in the relevant Operational Manuals] [through routine audit procedures set forth in the Operational Manual and organized in conjunction with the [host] [owning] State Party].

"17.2 [The [Executive Council] [Conference of the States Parties] may amend the networks by adding or deleting stations [satellites] [in Tables ... of the Protocol], pursuant to the procedure for changing the Protocol set out in Article ... of the Treaty and Section ... of the Protocol.]

"18.1 The [Technical Secretariat] [International Data Centre 6/] shall [routinely]:

"(a) receive all data [obtained through the verification regime including] from the International Monitoring System [, as well as other data contributed to the international exchange by States Parties] [and collect additional data];

"(b) process [and analyse] [on a preliminary basis] [and shall have the exclusive responsibility of analysing all] [the] [this] data [received from the International Monitoring System],

[including a pre-selection of unusual events as defined in the Protocol]

[and preliminarily identify the nature of the suspicious events which the International Monitoring System has detected, pursuant to the technical criteria for event analysis and identification set out in Section ... of the Protocol]

[with the aim of identifying, according to pre-defined criteria specified in Part ... of the Protocol, significant events indicating a possible

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"5/ One delegation suggested moving paragraphs 16 through 21 to the Protocol.

"6/ One delegation suggested that this paragraph should be part of the General Provisions on verification, and that it should include a subparagraph defining the IDC along the following lines: 'The International Data Centre is the [focal point] for all data obtained by the verification regime.'

non-compliance with the basic obligations of this Treaty. This analysis shall include the identification of events and a final result. The IDC Bulletin shall be prefaced by an analytical summary.]

[Event identification, using any or all of the data which would be reported to the International Data Centre, shall be the exclusive responsibility of the individual States Parties.];

"(c) [distribute the results] [make available all data both raw and processed] to all States Parties [and the Executive Council] [within ... days] 7/;

"(d) store all data, both raw and processed;

"[(e) [meet States Parties' independent analysis requirements by giving] [provide to] all States Parties timely access to all stored data, including on-line access at the expense of any State Party requesting such access]; and,

"(f) [coordinate] [facilitate] requests for additional data from the International Monitoring System [or other monitoring stations/satellites] [, and make the resulting data available to all States Parties].

"[18.2 The procedures to be used by the [Technical Secretariat] [International Data Centre] in discharging these responsibilities shall be elaborated in the relevant Operational Manuals as specified in ...].

"20. States Parties may also separately establish cooperative arrangements with the Organization, in order to make available to the International Data Centre supplementary data from national monitoring stations [satellites] which are not formally part of the International Monitoring System. [The conditions under which supplementary data from such facilities (designated 'cooperating national facilities') are made available, and under which the International Data Centre might request further or expedited reporting, or clarifications, shall be [agreed upon between the Technical Secretariat and the State Party] [laid down in the Operational Manuals for the respective monitoring network].]

"18.4 [However, data obtained through the International Monitoring System shall serve as the sole basis for event identification. Data acquired through other means, including national technical means, shall be used as supplementary evidence to help clarify the nature of suspicious events detected by the International Monitoring System.]

"18.5 [The Executive Council shall, on the basis of the results of the preliminary identification made by the International Data System and taking into account all relevant factors, make the determination and judgement on whether the suspicious event is a nuclear weapon test explosion.]

"21.1 [To the extent a monitoring station [satellite] provides data to the International Data Centre, the costs of establishing or upgrading

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"7/ Number of days may differ between different monitoring techniques.

the monitoring stations [satellites], the staffing costs, and running costs[, including station security costs] shall be met by the Organization. The Technical Secretariat shall negotiate, on behalf of the Organization, agreements with each State Party [hosting] [owning] monitoring stations [satellites], detailing the arrangements for [meeting upgrade or establishment costs, staffing the stations, and running costs[, including station security costs]]. The agreements between the Organization and the States Parties [hosting] [owning] monitoring stations [satellites] shall be submitted to the Conference for approval. Subsequent amendments to the agreements shall be *subject to prior approval by the Executive Council*.]

"21.2 [The costs of transmitting the data from a monitoring station or from a National Data Centre directly to the International Data Centre shall be met by the Organization. The Technical Secretariat shall negotiate, on behalf of the Organization, agreements with each State Party, as appropriate, detailing the arrangements for the costs of transmitting the data from a monitoring station or from a National Data Centre directly to the International Data Centre. The agreements between the Organization and the States Parties shall be submitted to the Conference for approval. Subsequent amendments to the agreements shall be subject to prior approval by the Executive Council.]

*"A delegation suggested considering also costs of stations established prior to the Treaty's entry into force. Furthermore, the establishment and operation of monitoring stations 'elsewhere' (see para. 16 first sentence) might require different solutions to operational and financing issues.*

## "On-Site [Inspection] [Activities]

*"Depending upon the outcome of discussions on 'basic obligations', i.e. the issue of inclusion/exclusion of 'preparations', this section might have to be reviewed accordingly.*

"22.1 [An on-site inspection shall be conducted for the sole purpose of clarifying:

"(a) whether an [ambiguous] [suspicious] event detected on the basis of International Monitoring System data [, of data from other elements of the Treaty verification regime, or of other relevant data made available to States Parties in accordance with the provisions of this Treaty], has been a nuclear explosion carried out in violation of the Treaty's basic obligations;

"(b) [other circumstances related to non-compliance with the Treaty's basic obligations in connection with subparagraph (a) above;] and,

"(c) [to the extent possible [the facts] [evidence] relating to the identity of any violator;]

[and resolving any questions concerning possible non-compliance with a basic obligation of this Treaty.]]

"22.2 [Each State Party that has a concern about non-compliance with a basic obligation of this Treaty [by any other State Party] has the right to:

"(a) request [the Organization to conduct] an on-site inspection [, for the purposes set out in paragraph 22.1,] in the territory or in any other place under the jurisdiction or control of any other State Party, or in an area beyond the jurisdiction [or control] of any State, [of any site suspected, with adequate evidence, to have been the location of a clandestine nuclear weapon test explosion]; and,

"[(b) [if approved by the Executive Council,] have this inspection conducted [anywhere without delay] [within the agreed time-frame] [anywhere beginning no later than ... hours after the request is submitted to the Director-General] by an inspection team designated by the Director-General and in accordance with the procedures in the Protocol to this Treaty.]]

"22.3 [Requests for on-site inspection shall be submitted to the Executive Council by the Technical Secretariat, on the basis of the information gathered by the International Monitoring System or as a result of a request by a State Party and after conducting an expert evaluation of all information available, with the participation of the suspected State Party, as provided in paragraphs ... .]

"23.1 Each State Party is under the obligation to keep the on-site inspection request within the scope of this Treaty and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with this Treaty. Each State Party shall refrain from unfounded inspection requests, care being taken to avoid abuse. [The On-Site Inspection shall be carried out for the sole purpose of determining facts relating to the possible non-compliance.]

"23.2 Each State Party shall [accept] [permit the Technical Secretariat to conduct] [upon approval by the Executive Council] any on-site inspection on its territory or at places under its jurisdiction or control for the purpose of [verification of compliance with the provisions of this Treaty], in accordance with paragraph ... of this Section.

"25. Pursuant to a request for an On-Site Inspection, and in accordance with the procedures provided for in the Protocol to this Treaty, the inspected State Party shall have:

"(a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable the inspection team to fulfil its mandate;

"(b) The obligation to provide access within the requested site for the [sole] purpose of determining facts relevant to the concern regarding possible non-compliance; and

"(c) The right to take measures to protect sensitive installations and locations, and to prevent disclosure of confidential information not related to this Treaty.

"26. [The States Parties shall subject the declared nuclear test sites, their closure, and the destruction of specifically designed equipment for testing, to systematic verification through On-Site Inspection and monitoring with on-site instruments.]

"27. *This might be an appropriate place to insert language on 'inspection on invitation'/'visits on invitation'. Another option would be to have such 'inspections'/'visits' under Transparency Measures or Consultation and Clarification. Some delegations suggested that nothing should preclude States Parties to offer such 'inspections'/'visits' on a voluntary basis.*

### "Request of an On-Site Inspection

"*It could be considered whether procedures for the request of an On-Site Inspection should differentiate between requests referring to a territory under the jurisdiction and control of a State Party and requests referring to a territory beyond the jurisdiction of any State Party. Furthermore, this could be the appropriate place where 'before the event' requests of an On-Site Inspection could be introduced, if so agreed.*

"28.1 [The requesting State Party shall present an inspection request for an On-Site Inspection to the Executive Council and at the same time to the Director-General for immediate processing. [The request for an on-site inspection shall contain a precise description of the grounds on which the requesting State Party considers a violation of the Treaty has taken place, as well as the evidence collected on the basis of the data provided by the International Data Centre, or from its national technical means.]]

"28.2 [Any State Party may make a request for conducting a challenge on-site inspection. Such a request shall be accompanied with supporting evidence and shall be submitted in written form to the Director-General and the Executive Council. Any evidence to that effect should have been acquired through the International Monitoring System of this Treaty.]

"28.3 [The requesting State Party shall submit the request to the Technical Secretariat together with detailed technical data and reliable evidence supporting its concern.]

"29.1 [The Director-General shall immediately ascertain that the inspection request meets the requirements specified in Section ... of the Protocol annexed to this Treaty, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. [When the inspection request fulfils the requirements, preparations for the inspection shall begin.]]

"29.2 [Upon identification by the Technical Secretariat of a significant suspected event, or upon receipt of a request from a State Party for On-Site Inspection, the Technical Secretariat shall promptly approach the suspected State Party with all the reliable evidence and information available and request the suspected State Party to clarify the issue.]

"30.1 [The Director-General shall notify the inspected State Party not less than [12] [24] hours before the planned arrival of the inspection team at the point of entry.]

"30.2 [A State Party which receives a request from the Technical Secretariat for clarification of any concern about non-compliance with a basic obligation of this Treaty, shall provide the Technical Secretariat with explanations and with any other relevant information as soon as possible and not later than five days after receiving the request.]

"31. [The Technical Secretariat shall evaluate all reliable evidence and data available, with the aim of clarifying and resolving the concern. The Technical Secretariat shall invite experts from the suspected State Party, and from the requesting State Party as applicable, to participate in the evaluation. The Technical Secretariat shall complete the evaluation not later than 10 days after submitting the request for clarification to the suspected State Party. The reliable evidence and data to be evaluated will include, inter alia, those from the International Data System, those provided by the suspected State Party and by the requesting State Party as applicable, as well as additional reliable data relevant to the specific suspected event, as available within the above time frame.]

"32.1 [The Executive Council shall take cognizance of the Director-General's actions and shall keep the case under its consideration throughout the inspection procedure. [However, its deliberations shall not delay the inspection process.]]

"32.2 [Concurrently with the stages referred to in paragraphs 30 and 31 above, the Technical Secretariat shall commence preparations for an On-Site Inspection, including inter alia the assembling of the inspection team and of the inspection equipment as provided for in Part ... of the Protocol.]

"32.3 [In such cases where the concern about non-compliance with a basic obligation of this Treaty, raised by the Technical Secretariat or by a State Party, has not been resolved by the above clarification process, or if the requesting State Party so requires, the Technical Secretariat shall promptly bring the issue before the Executive Council. The Technical Secretariat shall submit to the Executive Council a report including its evaluation and recommendations as well as all the reliable evidence and explanations. This report shall serve as the basis for the Executive Council consideration of the request for On-Site Inspection.]

"33.1 [The Executive Council may, not later than 12 hours after having received the inspection request, decide by a three-quarters majority of all its members against carrying out the inspection, if it considers the inspection request to be frivolous, abusive, or clearly beyond the scope of this Treaty, as described in paragraph ... . Neither the requesting nor the inspected State Party shall participate in such a decision. If the Executive Council decides against the inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.]

"33.2 [The Executive Council shall consider the request. To approve an On-Site Inspection a two-thirds majority of all members of the Executive Council will be required. If the Executive Council finds a request by a State Party to be frivolous or abusive, it shall take the appropriate measures in accordance with Article ... . If the Executive Council does not approve the inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and all States Parties will be informed accordingly.]

"33.3 [Before a challenge on-site inspection is conducted, the Executive Council shall review the request, and the decision of approval shall be made by a two-thirds majority of all the members of the Executive Council present and voting.]

"33.4 [In the review process, the Executive Council, assisted by the Technical Secretariat, shall use uniform scientific criteria and standards to examine the data and information submitted by the requesting State Party as supporting evidence. Such scientific criteria and standards shall be specified in the relevant parts of the Verification Protocol.]

### "**The Conduct of an On-Site Inspection**

*"It could be considered whether basic provisions on the conduct of On-Site Inspections, such as principles, phasing, use of aircraft, and duration should be dealt with in this section.*

"34.1 The Director-General shall issue an inspection mandate for the conduct of the On-Site Inspection. The inspection mandate shall be the inspection request put into operational terms, and shall conform with the inspection request.

"34.2 [In accordance with the provisions of this Treaty and with the procedures provided for in Part ... of the Protocol, the inspected State Party shall have:

- the right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable the inspection team to fulfil its mandate;
- the obligation to provide access within the requested area for the sole purpose of establishing facts relevant to the concern regarding possible non-compliance; and
- the right to take measures to protect sensitive installations and proprietary rights, and to prevent disclosure of confidential information and data not related to this Treaty.]

"35. The On-Site Inspection shall be conducted in accordance with the procedures laid down in the Protocol [and the Operational Manual for On-Site Inspections]. The inspection team shall be guided by the principle of conducting the On-Site Inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.

"36. The inspected State Party shall assist the inspection team throughout the inspection and facilitate its task. [If the inspected State Party proposes, pursuant to para. ... of the Protocol, arrangements to demonstrate compliance with this Treaty, alternative to full and comprehensive access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating compliance.]

"37.1 [In accordance with the access regime provided for in Part ... of the Protocol, the inspected State Party shall have the right:

- to exclude inhabited locations and facilities at the initial stage of the inspection;
- to exempt sensitive facilities from access on the basis of national security, proprietary rights and health and safety reasons. If the inspected State Party elects to exercise this right, it shall be given the opportunity to address the concern through other means.]

"37.2 [The size of the area of a challenge on-site inspection shall be limited to not exceeding 100 square kilometres.]

"37.3 [An aerial inspection may be carried out only with the permission of the inspected State Party, which shall have the right to deny access to such an inspection or to restrict its route or range.]

### "Observers

"38. With regard to an observer, the following shall apply:

"(a) The requesting State Party may, [subject to the agreement of the inspected State Party], send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the On-Site Inspection.

"(b) The inspected State Party shall then grant access to the observer in accordance with the Protocol, annexed to this Treaty.

"(c) [The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.]

### "Final Report of an On-Site Inspection

"39.1 The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted for the satisfactory implementation of the On-Site Inspection. [The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.]

"39.2 [Upon receiving the inspection report, the Technical Secretariat shall:

- evaluate the findings together with the previous information and assess its findings. The Technical Secretariat shall invite experts from the inspected State Party and from the requesting State Party as applicable, to participate in the assessment;

- submit the inspection report together with its assessment to the Executive Council, to the inspected State Party, to the requesting State Party as applicable, and to all other States Parties.]

"40.1 [The Executive Council shall, in accordance with its powers and functions, review the final report of the inspection team as soon as it is presented, and [address any concerns as to:] [decide, inter alia:]

"(a) Whether any non-compliance has occurred;

"(b) Whether the request had been within the scope of the Treaty; and

"(c) Whether the right to request On-Site Inspection had been abused.]

"40.2 [The Executive Council, in accordance with its powers and functions, shall review the inspection report and its assessment. The inspected State Party and the requesting State Party as applicable, shall have the right to participate in the review process and to present to the Executive Council their own assessments.]

"41.1 [If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph ..., it shall take the appropriate measures to redress the situation and to ensure compliance with this Treaty, including specific recommendations to the Conference of the States Parties. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the inspection.]

"41.2 [If the Executive Council reaches a conclusion that non-compliance of a basic obligation of this Treaty has occurred, it shall refer the matter to the United Nations Security Council, in accordance with Article ...]

"*Some delegations suggested that in cases of abuse the requesting State Party might bear the costs for the inspection, and even if the inspection is not carried out. for any costs incurred for the preparation of the inspection. Furthermore, if clear evidence is found, the inspected State Party should have to bear the cost. A delegation has suggested, in case of abuse, punitive measures such as revoking rights of States Parties.*

"23.3 [Each State Party undertakes to apply sanctions, by individual action or collective action, against any abuse of the right of challenge on-site inspection, and all States Parties and the Treaty Organization shall ensure that challenge on-site inspections are conducted in the least intrusive manner possible. To this end, 'managed access' or other alternative measures shall be permitted.]

"42. [The requesting State Party and the inspected State Party shall have the right to participate in the review process. The Executive Council shall inform the States Parties and the next session of the Conference of the States Parties of the outcome of the process.]

"43. [If the Executive Council has made specific recommendations to the Conference of the States Parties, the Conference of the States Parties shall consider action in accordance with Article ('Measures to Redress a Situation and ...').]

### "**[Transparency Measures]**

### "**[Confidence-building Measures]**

### "**[Associated Measures]**

*"Dependent upon the outcome of discussions on different transparency measures, as they are listed in the Protocol, appropriate treaty language would have to be inserted here. For possible treaty language in some areas see CD/1232, Protocol, Section IV, Part 2. Some delegations have suggested that 'Inspections on invitation'/'Visits on invitation' could also be dealt with here.*

## "PROTOCOL

## "TO THE COMPREHENSIVE TEST BAN TREATY

### "SECTION: THE INTERNATIONAL MONITORING SYSTEM

*"Should a section on the IMS be developed in the Treaty, as suggested in this Draft, the present section on the IMS in the Protocol would have to be cleared of redundancies. Instead, it might be advisable to insert in the Protocol those characteristics and criteria of different parts of the IMS which, for the foreseeable future, should not change.*

*"If so agreed, this section should address the manner to identify and to ensure the possible synergies of different monitoring technologies. Further technical work on this issue might have an impact on the design of the overall International Monitoring System.*

*"Security problems and the authentication of data in the International Exchange of Data should be addressed. Further technical consideration should be given and result in additional language.*

*"Four papers from Groups of Experts providing options for the International Monitoring System were presented by Friends of the Chair:*

*"'Options for the design of a CTBT radioactivity monitoring network, with their most important capabilities and costs: Report of the group of experts on radioactivity to Working Group 1' (CD/NTB/WP.171);*

*"'Options for the design of a CTBT hydroacoustic monitoring network with their most important capabilities and costs: Report of the group of experts on hydroacoustics to Working Group 1' (CD/NTB/WP.172);*

*"'Infrasound monitoring system' (CD/NTB/WP.176);*

*"'Seismic monitoring system' (CD/NTB/WP.177).*

### "Part 1: **Seismological Monitoring**

*"Attention has been drawn to coastal seismic stations suited for the detection of certain underwater events (WP.84). This issue might require further study when developing the seismological monitoring network.*

"[1. Each State Party to the Treaty undertakes to cooperate in an international exchange of seismological data to assist in the verification of [compliance with] the Treaty. This cooperation [shall] include[s] the establishment and operation of a [two-tiered] network of [high quality] seismological stations [and arrays]. [The first tier, referred to as a network of Alpha stations, shall be coordinated by the Technical Secretariat and shall provide uninterrupted data transmitted on-line to the International Data Centre. The second tier, referred to as a network of Beta stations, shall be established and operated by the States Parties and shall provide on-line data upon request by the International Data Centre.] [These stations shall be coordinated by the Technical Secretariat and provide data in accordance with agreed procedures to the International Data Centre.]

"2.1 The Technical Secretariat shall monitor the quality of the [networks of Alpha and Beta] [Seismological] stations and evaluate their overall performance[ through routine audit procedures organized in conjunction with the host State Party. [The Executive Council may amend the networks by adding or deleting stations in Tables ... of the Protocol, pursuant to the procedure for changing the Protocol set out in Article ... of the Treaty and Section ... of the Protocol].]

"[2.2 Each State party shall have the right to participate in the international exchange of seismological data and to have access to all the seismological data made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its national authority.]

"3. The Technical Secretariat shall, in cooperation with the States Parties, coordinate the network of [Alpha] stations. This network shall consist [initially] of the stations specified in Table ..., annexed to this Protocol. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. [Uninterrupted data from the Alpha stations shall be transmitted on-line to the International Data Centre.]

"4. A State Party shall cooperate with the Technical Secretariat in establishing and operating [Alpha] [one or more seismological] stations on its territory [, within areas under its jurisdiction or control, or elsewhere in conformity with international law, in accordance with the procedures in the Operational Manual on seismological monitoring and the international exchange of seismological data. This cooperation shall cover the establishment of new stations and/or upgrades of existing facilities as appropriate]. [For an existing facility, a State Party shall give the Technical Secretariat authority to access the station as an Alpha station as specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data and agree to make the necessary changes in the equipment and the operational procedures to meet these requirements. A State Party shall cooperate with the Technical Secretariat to establish a new station at a site to be agreed upon. The State Party shall also give the Technical Secretariat authority to access the station and cooperate with the Secretariat in its routine operation. The Technical Secretariat shall provide the necessary technical assistance to establish, operate and maintain the station(s).]

"[5. To supplement the Alpha network, a number of additional high quality stations and arrays referred to as Beta stations shall provide information to the International Data Centre on request. The Beta stations to be used [initially] are listed in Table 1B, annexed to this Protocol. The Beta stations shall be established and operated by the State Party on whose territory they are situated. The Technical Secretariat shall, if requested, provide technical assistance to a State Party in this regard. [The Technical Secretariat shall also, subject to the prior approval of the Executive Council, provide technical assistance to establish, operate and maintain such stations in regions of the world where there is a lack of such stations.] The Beta stations shall meet the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Data from the Beta stations may at any time be requested by the International Data Centre and shall be immediately available through on-line computer connections.]

"6. The International Data Centre shall [routinely] receive all [seismological] data [from seismological stations in accordance with agreed procedures] [contributed to the international exchange by its participants], process [and analyse the data received from Alpha and Beta stations] [with the aim of detecting, identifying and locating significant events indicating a possible underground or underwater nuclear explosion] and distribute [the results to all States Parties] [these data to all participants] within [two] [...] days, and store all data [contributed by participants] as well as the results of the processing at the Centre. [A State Party shall be entitled to have access to the data at the International Data Centre and, at its own expense, also arrange for on-line access to the data.] The procedures to be used at the Centre shall be [those] laid down in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. [The Centre shall further coordinate requests for additional seismological data from one State Party to another Party and make such data available to all States Parties.]

"[7. Each State Party is encouraged to assist in the assessment of the nature of the seismic events located by the International Data Centre by contributing any additional information available about events located in its own territory and to provide data recorded by seismic stations in national and regional networks when requested to do so by the International Data Centre.]

"**[Table 1** **Seismic Stations Incorporated into the CTBT International Monitoring System** 1/

| State | Location | Latitude | Longitude | Type] |
|---|---|---|---|---|

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"1/ A delegation suggested that there might be a need to produce a consolidated map of stations.

### "[**Table 1-A  List of [High Quality] Seismological Stations and Arrays Comprising the CTBT Alpha Network**

*"It has to be ensured that the seismic network as listed below will be part of the IMS at the time of entry into force. This might require special provisions in case a country mentioned in the list would not yet have ratified the Treaty.*

| State | Location | Lat | Long | Type | Commit |
|---|---|---|---|---|---|

### "**Table 1-B  List of [High Quality] Seismological Stations and Arrays Comprising the CTBT Beta Network**

| State | Location | Lat | Long | Type | Commit] |
|---|---|---|---|---|---|

### "Part 2: **Radionuclide Monitoring** 2/

*"It is understood that the following description of the radionuclide monitoring system has to be reviewed in view of results of further technical work. Should existing international organizations, such as the World Meteorological Organization, have to play a role in the monitoring system, this might also have to be mentioned below. A proposal has been made to include mobile samplers in the monitoring system; should this be approved, specific language might be required. Furthermore, depending on future decisions, characteristics and technical parameters might have to be mentioned, such as the system should cover particulates and noble gases. A proposal has been made to use certified laboratories outside of the International Data Centre.*

"[1. Each State Party [to the Treaty] undertakes to cooperate in an international exchange of [radionuclide] data [on radionuclides in the atmosphere] [to assist in the verification of [compliance with] the Treaty] [which are relevant to the detection and identification of nuclear explosions, referred to in the rest of this Part as 'radionuclides in the atmosphere']. This cooperation shall include the establishment and operation of a network of

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"2/ Due to the technical nature of the deliberations on formulating the final provisions on non-seismic verification technologies, a delegation suggested to continue the detailed technical discussions in the Preparatory Commission.

[high quality] [radionuclide] stations[ to measure radionuclides in the atmosphere]. The stations shall be coordinated by the Technical Secretariat and provide data[ promptly to the International Data Centre] [in accordance with agreed procedures to the International Data Centre].

"2. Each State Party shall have the right to participate in the international exchange of [radionuclide] data [on radionuclides in the atmosphere] and to have access to all [radionuclide] data [on radionuclides in the atmosphere] made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its National Authority.

"3. The Technical Secretariat shall, in cooperation with the States Parties, coordinate a specified network of [high quality] [radionuclide] stations[ to measure radionuclides in the atmosphere]. This network shall consist [initially] of the stations specified in Table 2, annexed to this Protocol. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for [Surveillance of and International Exchange of Data on Radionuclides in the Atmosphere] [radionuclide monitoring and the international exchange of radionuclide data].

"4. The Technical Secretariat shall monitor the quality of the [network of] [radionuclide] stations [to measure radionuclides in the atmosphere] and evaluate [its] [their] overall performance. [The Technical Secretariat shall, subject to the prior approval of the Executive Council, provide technical assistance to establish, operate and maintain new radionuclide stations in regions of the world where there is a lack of such stations.]

"[5.1 A State Party shall cooperate with the Technical Secretariat in establishing and operating one or several stations on its territory to measure radioactivity in the atmosphere[ on terms to be agreed with the Technical Secretariat]. For an existing facility a State Party shall give the Technical Secretariat authority to access the station as a station to measure radionuclides in the atmosphere as specified in the Operational Manual for Surveillance of and International Exchange of Data on Radionuclides in the Atmosphere and agree to make necessary changes in the equipment and the operational procedures to meet these requirements. A State Party shall cooperate with the Technical Secretariat to establish a new station at a site to be agreed upon. The State Party shall also give the Technical Secretariat authority to access the station and cooperate with the Secretariat in its routine operation.]

"[5.2 A State Party shall cooperate with the Technical Secretariat in establishing and operating one or more radionuclide stations on its territory, within areas under its jurisdiction or control, or elsewhere in conformity with international law, in accordance with procedures in the Operational Manual on radionuclide monitoring and the international exchange of radionuclide data. This cooperation shall cover the establishment of new stations and/or upgrades of existing facilities as appropriate.]

"[6.1 In addition to routinely submitted measurements, each State Party may provide any other relevant measurement on radionuclides in the atmosphere through its National Data Centre. Each State Party may also request additional data from a third party through the Technical Secretariat. The procedures for making such requests shall be those laid down in the Operational Manual for Surveillance of and International Exchange of Data on Radionuclides in the Atmosphere.]

"[6.2 The International Data Centre shall receive data from radionuclide stations in accordance with agreed procedures, process and distribute this data to all participants within ... days, store all data contributed by participants as well as the results of the processing at the Centre. The procedures to be used at the Centre shall be laid down in the Operational Manual for radionuclide monitoring and the international exchange of radionuclide data.]

"[7. The International Data Centre shall receive all measurements on radionuclides in the atmosphere contributed to the international exchange by its participants and routinely process [and analyse] these measurements according to established procedures[ with the aim of detecting, identifying and locating significant events indicating a possible nuclear explosion in the atmosphere, underground or underwater]. States Parties hosting station(s) in the radionuclide network will provide measurements on a ... basis and will also provide measurements on request from the International Data Centre. [The Centre shall, at the request by a State Party, evaluate an observed release of radionuclides in the atmosphere as well as the time and location of the source.] [The Centre shall, at the request by a State Party, assist in the determination of the origin, time and location of the source of a release of radionuclides in the atmosphere.] [In this analysis, relevant wind trajectories obtained from meteorological data shall be used.] The results [of the analysis] shall be distributed to all States Parties within ... , and the records thereof be kept at the Centre. The procedures to be used in the analysis at the Centre shall be those laid down in the Operational Manual for Surveillance of and International Exchange of Data on Radionuclides in the Atmosphere. The Centre shall also coordinate requests for additional measurements from one State Party to another and circulate the information obtained as a result of such requests.]]

"[Table 2 Radionuclide Stations Incorporated into the CTBT International Monitoring System

| State | Location | Latitude | Longitude | Type (Noble gas or Particulate or both)] |
|---|---|---|---|---|

## "[Table 2 List of [High Quality] Stations to Measure Radionuclides in the Atmosphere

*"It has to be ensured that the radionuclide network as listed below will be part of the IMS at the time of entry into force. This might require special provisions in case a country mentioned in the list would not yet have ratified the Treaty.*

### "2A List of Stations Monitoring Particulates

| State | Station |
|---|---|

### "2B List of Stations Monitoring Noble Gases

| State | Station] |
|---|---|

## "Part 3: Hydroacoustic Monitoring

*"It is understood that the following description of the hydroacoustic monitoring system has to be reviewed taking into account results of further technical work Furthermore, characteristics and technical parameters would have to be added.*

*"Attention has been drawn to coastal seismic stations for monitoring underwater nuclear explosions, supplemented by a few moored type hydroacoustic stations. This might have to be considered in the context of developing the hydroacoustic monitoring network.*

"[1. Each State Party to the Treaty undertakes to cooperate in an international exchange of hydroacoustic data[ to assist in the verification of [compliance with] the Treaty] [which is relevant to the detection and identification of underwater nuclear explosions, referred to in the rest of this Part as 'hydroacoustic data']. [This cooperation shall include the establishment and operation of a network of [high quality] hydroacoustic stations. These stations shall be coordinated by the Technical Secretariat and provide data [promptly] [in accordance with agreed procedures] to the International Data Centre.] [This cooperation shall include the establishment and operation of a network of hydroacoustic stations operating with agreed specifications. These stations shall be coordinated by the Technical Secretariat and provide data to the International Data Centre in accordance with agreed procedures.]

"2. Each State Party shall have the right to participate in the international exchange of hydroacoustic data and to have access to all the hydroacoustic data made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its National Authority.

"3. The Technical Secretariat shall, in cooperation with the States Parties, coordinate a specified network of [high quality] hydroacoustic stations. This network shall consist [initially] of the stations specified in Table 3, annexed to this Protocol. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Hydroacoustic Monitoring and the International Exchange of Hydroacoustic Data. [Data from the stations shall be transmitted promptly to the International Data Centre.]

"4. The Technical Secretariat shall monitor the quality of the hydroacoustic stations and evaluate their overall performance.

"5. A State Party shall cooperate with the Technical Secretariat in establishing and operating one or [several] [more] hydroacoustic stations on its territory, within areas under its jurisdiction or control, or elsewhere in conformity with international law [on terms to be agreed with the Technical Secretariat] [, in accordance with the procedures in the Operational Manual for hydroacoustic monitoring and the international exchange of hydroacoustic data. This cooperation shall cover the establishment of new stations and/or upgrades of existing facilities as appropriate]. [For an existing facility a State Party shall give the Technical Secretariat authority to access the station as specified in the Operational Manual for Hydroacoustic Monitoring and the International Exchange of Hydroacoustic Data and agree to make necessary changes in the equipment and the operational procedures to meet these requirements. [A State Party shall cooperate with the Technical Secretariat to establish a new station at a site or position to be agreed upon.]]

"6. The International Data Centre shall [routinely] receive data from hydroacoustic stations[ in accordance with agreed procedures], process and distribute these data to all participants within ... days, store all data contributed by participants as well as the results of the processing at the Centre. The procedures to be used at the Centre shall be those laid down in the Operational Manual for Hydroacoustic Monitoring and the International Exchange of Hydroacoustic Data.

"[Table 3 **Hydroacoustic Stations Incorporated into the CTBT International Monitoring System**

| State | Location | Latitude | Longitude | Type] |
|---|---|---|---|---|

"Part 4: **Infrasound Monitoring**

"*It is understood that the following description of the infrasound monitoring system has to be reviewed taking into account results of further technical work. Furthermore, characteristics and technical parameters would have to be added.*

"[1. Each State Party to the Treaty undertakes to cooperate in an international exchange of infrasound data to assist in the verification of compliance with the Treaty. This cooperation shall include the establishment and operation of a network of infrasound stations. These stations shall be coordinated by the Technical Secretariat and provide data in accordance with agreed procedures to the International Data Centre.

"2. Each State Party shall have the right to participate in the international exchange of infrasound data and to have access to all the infrasound data made available to the International Data Centre. Each State Party shall cooperate with the International Data Centre through its National Authority.

"3. The Technical Secretariat shall, in cooperation with the States Parties, coordinate a specified network of infrasound stations. This network shall consist of the stations specified in Table 4, annexed to this Protocol. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

"4. The Technical Secretariat shall monitor the quality of the infrasound stations and evaluate their overall performance.

"5. A State Party shall cooperate with the Technical Secretariat in establishing and operating one or more infrasound stations on its territory, within areas under its jurisdiction or control, or elsewhere in conformity with international law, in accordance with the procedures in the Operational Manual for Infrasound Monitoring and the international exchange of infrasound data. This cooperation shall cover the establishment of new stations and/or upgrades of existing facilities as appropriate.

"6. The International Data Centre shall receive data from infrasound stations in accordance with agreed procedures, process and distribute these data to all participants within ... days, store all data contributed by participants as well as the results of the processing at the Centre. The procedures to be used at the Centre shall be those laid down in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

"**Table 4** **Infrasound Stations Incorporated into the CTBT International Monitoring System**

| State | Location | Latitude | Longitude | Type] |
|---|---|---|---|---|

### "Part 5: **Satellite Monitoring**

*"A proposal has been made to establish a global satellite monitoring system. According to another proposal it could incorporate optical and radio-wave recording sensors; three spatially separated ionizing-radiation recalling sensors; a data pre-processing unit; a processing and control processor, and data transmission apparatus. Should such proposals be adopted, appropriate language would have to be developed.*

### "Part 6: **Optical Monitoring**

*"A proposal has been made to establish a ground-based optical monitoring system capable of detecting atmospheric and space nuclear explosions. Should this proposal be adopted, appropriate language would have to be developed, taking into account further technical work.*

### "Part 7: **EMP Monitoring**

*"A proposal has been made to establish a ground-based electromagnetic pulse monitoring system. It should be designed for recording and real-time processing of EMP signals from nuclear explosions in the atmosphere and near space. Should this proposal be adopted, appropriate language would have to be developed, taking into account further technical work.*

### "Part 7A: **Criteria for Identification of Significant Events**

*"Pursuant to Paragraph 18a [WP.146] criteria for the identification of significant events from the IMS monitored data should be formulated here. They should cover the detection, identification and location of events which indicate a possible nuclear explosion with a sufficiently high degree of confidence. These should be composite criteria, allowing for synergy between the IMS networks (c.f. WP.117).*

*"The criteria should define the smallest area of uncertainty for the location of an explosion, consistent with the precision of the monitoring networks which are relevant to the specific event and specific site, taking into account the technical characteristics of the networks.*

*"Any other technical information which may further reduce uncertainties of detection, identification and location should be clearly defined.*

*"The criteria should be developed by a group of experts.*

"Part 8: **Use of Satellite Data and Other Methods**

*"Part 8 needs further technical consideration. This part could cover all those monitoring techniques which would not become part of the International Monitoring System.*

*"As a reminder:*

*"Overhead imagery capabilities for CTBT verification purposes could be achieved from the dual-use (military/civilian) characteristics of existing space-based and airborne systems.*

"[1. Each State Party undertakes to make satellite image data available on terms to be agreed with the Technical Secretariat. The Technical Secretariat shall, upon request, assist States Parties in the processing of satellite image data to facilitate the interpretation of events relevant to this Treaty. The procedures to be used by the Technical Secretariat shall be those laid down in the Operational Manual for Satellite Data Processing.

"2. The Technical Secretariat shall facilitate cooperation among States Parties in using additional means of verification which any State Party may find useful. The Technical Secretariat shall receive, compile and circulate any data relevant to the verification of this Treaty which any State Party makes available.

"3. The Technical Secretariat shall, in consultation with [the States Parties and] the Scientific Advisory Board[ and subject to approval by the Conference], provide technical assistance to establish, operate and maintain any additional means of verification.

"4. Additional means of verification of compliance with this Treaty may include acoustic and ionospheric measurements in the atmosphere.]

"Part 9: **Procedures for International Monitoring**

*"It should be considered whether language would be needed for procedures covering the relationship between the Technical Secretariat and e.g. nationally owned and operated monitoring stations, national authorities, national data centres, certified laboratories.*

## "The Protocol

## "SECTION: ON-SITE INSPECTION

### "[Part 1: General Rights and Obligations]
### [General Rules]

"[1. The [rules and] procedures in this Part shall be implemented pursuant to the provisions for on-site [international] inspection set out in Article ... of this Treaty. [The [rules and detailed procedures] [definitions and detailed arrangements] for On-Site Inspections shall be set out in the Manual for [International] On-Site Inspections.]

"2.1 The sole purpose of an [international] On-Site Inspection pursuant to this Part shall be to clarify and resolve, in accordance with Article ... of the Treaty, any [questions concerning possible non-compliance with [the basic obligation of] the Treaty] [suspicious events detected by an international monitoring system].

"[2.2 The sole purpose of an On-Site Inspection shall consist in determining whether or not an ambiguous event detected on the basis of IMS data or NTM data has been a nuclear explosion carried out in violation of the basic obligations under the Treaty and if it is determined that such a violation has taken place, in identifying to the extent possible the State Party which has violated the Treaty as well as in ascertaining other circumstances related to the non-compliance with the Treaty basic obligations.]

"[2.3 Technical preparation for conducting an on-site inspection and facilitating the activities of an inspection team shall be carried out by the [Technical Secretariat] [Organization] under the direction of the Director-General. The Director-General shall assume responsibility for the activities of an inspection team, its security and the protection of classified information. The [Technical Secretariat] [Organization] shall prepare for consideration and approval by the Conference an Operational Manual for International On-Site Inspections and standard reporting forms on the outcome of on-site inspections.]

"[2.4 All requests and notifications by States Parties to the Organization shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of this Treaty. In his responses the Director-General shall use the language of a request or notification transmitted to him.]

"[2.5 Not later than 30 days after the entry into force of this Treaty the Director-General circulates to all States Parties standard request and notification forms containing items necessary for this section of the Protocol. Requests and notifications, which deviate from the standard form, shall not be considered. In that case the Director-General shall promptly inform the requesting or notifying State Party that its request or notification is not consistent with the standard form and shall indicate the specific inconsistency.]]

## "[Part 2: Standing Arrangements]
## [Designation of Inspectors]

"3.1 [An [international] On-Site Inspection shall be carried out by personnel and experts of the [Technical Secretariat] [Organization] designated as inspectors, assisted by other experts [also designated as inspectors] [who can be mobilized very rapidly], on a list to be maintained by the [Technical Secretariat] [Organization].]

"[3.2 An On-Site Inspection shall only be performed by qualified inspectors and inspection assistants especially designated for this function by the Director-General. Inspectors shall be experts from the [Technical Secretariat] [Organization] personnel and from States Parties and shall be designated on the basis of their expertise and experience in the relevant fields of On-Site Inspection. The professional duties of the On-Site Inspection shall be performed only by inspectors. Inspection assistants shall be designated from the [Technical Secretariat] [Organization] personnel for the non-professional duties of the On-Site Inspection. The inspectors and inspection assistants shall be certified by the [Technical Secretariat] [Organization] and shall be approved in advance by the States Parties, as provided in paragraphs 5-8. The [Technical Secretariat] [Organization] shall maintain and update a list of certified and approved inspectors and inspection assistants. The Inspection Team shall be headed by an inspector from the [Technical Secretariat] [Organization].]

"[3.3 Not later than 30 days after the entry into force of this Treaty each State Party shall notify the Director-General about the names, dates of birth, sex, ranks, qualifications and professional experiences of the persons proposed by the State Party to the inspector list.]

"4. The Director-General shall determine the size of the inspection team and select its members from [personnel and experts of the [Technical Secretariat] [Organization] designated as inspectors] [the inspector list] [the [Technical Secretariat] [Organization] and non-[Technical Secretariat] [Organization] inspectors and inspection assistants on the maintained list], taking into account the circumstances of a particular request. [In addition, members of the inspection team may include other experts designated as inspectors when, in the view of the Director-General [and/or the Member States], expertise not available in the [Technical Secretariat] [Organization] is required.] The size of the inspection team shall be kept to a minimum necessary for the proper fulfilment of the inspection mandate. No national of the requesting State Party or the inspected State Party shall be a member of the inspection team. [The inspection team shall be headed by an authorized representative of the Director-General. A nomination for the leader of the inspection team shall be proposed by the Director-General and shall be approved by the Executive Council.]

"5. Not later than [30] [60] days after the entry into force of this Treaty the [Technical Secretariat] [Organization] shall communicate, in writing to all States Parties, the names, nationalities and ranks of the inspectors [and/or inspection assistants] proposed for designation, as well as a description of their qualifications and professional experiences.

"6. Each State Party shall immediately acknowledge receipt of the list of inspectors [and/or inspection assistants] proposed [for designation] [to be designated]. Any inspector [and/or inspection assistants] included [in this list] shall be regarded as accepted unless a State Party, not later than [30] days after acknowledgment of receipt of the list, declares its non-acceptance in writing. The State Party may include the reason for the objection. In the case of non-acceptance, the [proposed] inspector [and/or inspection assistants] shall not undertake or participate in verification activities on the territory or in any other place under the jurisdiction or control of the State Party which has declared its non-acceptance. [The [Technical Secretariat] [Organization] shall immediately confirm receipt of the notification of objection.]

"[7.1 The [Technical Secretariat] [Organization] shall, as necessary, submit further proposals for the designation of inspectors [and/or inspection assistants] in addition to the initial list, and in any case keep the list [updated on a regular basis] [of designated inspectors up to date].]

"[7.2 Each State Party may at any time propose to change its representatives on the inspector list. Each State Party shall promptly notify the Director-General if a representative of the State Party cannot fulfil the duties of an inspector and shall state the reason for it. The Director-General shall annually update the inspector list, taking into account proposals by State Parties and shall notify all States Parties about the replacements on the inspector list.]

"8. Subject to the provision in paragraph 9, a State Party has the right at any time to object to an inspector [and/or inspection assistant] who has already been accepted. It shall notify the [Technical Secretariat] [Organization] of its objection in writing and [shall] [may] include the reason for the objection. Such objection shall come into effect 30 days after receipt by the [Technical Secretariat] [Organization]. [The [Technical Secretariat] [Organization] shall immediately confirm receipt of the notification of objection and inform the State Party of the date on which the inspector will cease to be designated for that State Party.]

"9. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team any of the [designated] inspectors [and/or inspection assistants] named in the inspection team list.

"10. The number of inspectors [and/or inspection assistants] accepted by a State Party must be sufficient to allow for availability and rotation of appropriate numbers of inspectors [and/or inspection assistants].

"11. If, in the opinion of the Director-General, the non-acceptance of proposed inspectors [and/or inspection assistants] impedes the designation of a sufficient number of inspectors [and/or inspection assistants] or otherwise hampers the effective fulfilment of the tasks of the [Technical Secretariat] [Organization], the Director-General shall refer the issue to the Executive Council.

"12.1 The members of the inspection team carrying out an inspection of a facility of a State Party located on the territory of another State party shall be designated in accordance with the procedures set forth above as applied both to the inspected State Party and the Host State Party.

"[12.2 Each person included in the inspector list shall receive relevant training. Such training shall be provided by the [Technical Secretariat] [Organization] pursuant to the procedures spelled out in the Operational Manual for On-Site Inspections. The [Technical Secretariat] [Organization] shall prepare and annually agree upon with the States Parties a schedule of education and training of inspectors.]

"[12.3 Whenever amendments to the above-mentioned lists of inspectors are necessary or requested, replacement inspectors shall be designated in the same manner as set forth with respect to the original list.]

### "Privileges and Immunities [of Inspectors]

"13. Each State Party shall, not later than 30 days after acknowledgment of receipt of the list of inspectors or of changes thereto, provide multiple entry/exit and/or transit visas and other such documents to enable each inspector to enter and to remain on the territory of that State Party for the purpose of carrying out inspection activities. These documents shall be valid for at least two years after their provision to the [Technical Secretariat] [Organization].

"14. To exercise their functions effectively, [members of] inspection teams shall be accorded privileges and immunities as set forth in subparagraphs (a) to (i). Privileges and immunities shall be granted to members of the inspection team for the sake of this Treaty and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party, and thereafter with respect to acts previously performed in the exercise of their official functions.

"(a) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

"(b) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Treaty shall be accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations.

"(c) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the [Technical Secretariat] [Organization].

"(d) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in this Treaty and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant regulations.

"(e) The members of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations.

"(f) The members of the inspection team carrying out prescribed activities pursuant to this Treaty shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

"(g) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

"(h) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.

"(i) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party.

"15. When transiting the territory of non-inspected States Parties, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records, and samples and approved equipment, carried by them, shall be accorded the privileges and immunities set forth in paragraph 14 (c) and (d).

"16. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. If the inspected State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the State Party and the Director-General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

"17. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Treaty. Waiver must always be express.

"18. Observers shall be accorded the same privileges and immunities accorded to inspectors pursuant to this section, except for those accorded pursuant to paragraph 14 (d).

### "Points of Entry

"19. Each State Party shall designate the points of entry and shall supply the required information to the [Technical Secretariat] [Organization] not later than 30 days after this Treaty enters into force for it. These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within [12] [24] hours. Locations of points of entry shall be provided to all States Parties by the [Technical Secretariat] [Organization].

"20. Each State Party may change the points of entry by giving notice of such change to the [Technical Secretariat] [Organization]. Changes shall become effective 30 days after the [Technical Secretariat] [Organization] receives such notification to allow appropriate notification to all States Parties.

"21. If the [Technical Secretariat] [Organization] considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

### "Arrangements for use of non-scheduled aircraft

"22. [For inspections where] [For conducting inspections as well as in cases where] timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilize aircraft owned or chartered by the [Technical Secretariat] [Organization]. Not later than 30 days after this Treaty enters into force for it, each State Party shall inform the [Technical Secretariat] [Organization] of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the States Parties and the [Technical Secretariat] [Organization] as the basis for such diplomatic clearance.

"23. When a non-scheduled aircraft is used, the [Technical Secretariat] [Organization] shall provide the inspected State Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the State in which the inspection site is located to the point of entry, not less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. For its owned or chartered flights, the [Technical Secretariat] [Organization] shall include in the remarks section of each flight plan the standing diplomatic clearance number and the appropriate notation identifying the aircraft as an inspection aircraft.

"24.1 Not less than three hours before the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the State in which the inspection is to take place, the inspected State Party shall ensure that the flight plan filed in accordance with paragraph 23 is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

"[24.2 Where necessary the leader of an inspection team and a representative of the inspected State Party shall agree a basing area and a flight plan from the point of entry to the basing area of aircraft owned by the [Technical Secretariat] [Organization] or chartered by it which shall be used to conduct inspections in the inspected area and to transport the inspection team and the equipment to the inspected area.]

"25. The inspected State Party shall provide parking, security protection, servicing and fuel as required by the [Technical Secretariat] [Organization] for the aircraft of the inspection team at the point of entry [and in the basing area] when such aircraft is owned or chartered by the [Technical Secretariat] [Organization]. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The [Technical Secretariat] [Organization] shall bear the cost of such fuel, security protection and servicing.

### "Administrative Arrangements

"26.1 The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals, and medical care. In this regard, the inspected State Party shall be reimbursed by the Organization for such costs incurred by the inspection team.

"[26.2 The inspected State Party shall designate its representative for interaction with an inspection team.]

"[26.3 In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.] [1]

### "Approved Inspection Equipment

"27. Subject to paragraph 29, there shall be no restriction by the inspected State Party on the inspection team bringing onto the inspection site such equipment, approved in accordance with paragraph 28, which the [Technical Secretariat] [Organization] has determined to be necessary to fulfil the inspection requirements. The [Technical Secretariat] [Organization] shall prepare and, as appropriate, update a list of approved equipment, which may be needed for the purposes described above, and regulations governing such

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"[1] A delegation has suggested, in case of abuse, punitive measures such as revoking rights of States Parties.

equipment which shall be in accordance with this Protocol. In establishing the list of approved equipment and these regulations, the [Technical Secretariat] [Organization] shall ensure that safety [and confidentiality] considerations for all the types of [facilities] [locations] at which such equipment is likely to be used, are taken fully into account. A list of approved equipment shall be considered and approved by the Conference.

"28. The equipment shall be in the custody of the [Technical Secretariat] [Organization] and be designated, calibrated and approved by the [Technical Secretariat] [Organization]. The [Technical Secretariat] [Organization] shall, [to the extent possible,] select that equipment which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration.

*"Position on 'certification': Should a State Party provide some equipment for a specific on-site inspection, some sort of special certification will need to be worked out (WP.90).*

"29. The inspected State Party shall have the right, without prejudice to the prescribed time-frames, to [inspect the equipment] [check that the equipment is in conformity with the standard approved equipment] in the presence of inspection team members at the point of entry, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party. To facilitate such identification, the [Technical Secretariat] [Organization] shall attach documents and devices to authenticate its designation and approval of the equipment. [The inspection of the equipment shall also ascertain to the satisfaction of the inspected State Parties that the equipment meets the description of the approved equipment for the particular type of inspection.] The inspected State Party may exclude equipment [not meeting that description or] without the above-mentioned authentication documents and devices. [Procedures for the inspection of equipment shall be considered and approved by the Conference.]

"30. In cases where the inspection team finds it necessary to use equipment available on site not belonging to the [Technical Secretariat] [Organization] and requests the inspected State Party to enable the team to use such equipment, the inspected State Party shall comply with the request to the extent it can.

*"It has been suggested that the Technical Secretariat should attempt to acquire satellite imagery of the inspection area. Should this be approved, some provisions might have to be developed in this regard.*

## "[Part 3: Procedures for Requesting an Inspection] [Notification of Inspections of [Localities] [Areas] under the Jurisdiction and Control of a State Party]

### "[Request for Conducting an Inspection]

"31.1 [The request for an inspection to be submitted to the Executive Council and the Director-General shall contain at least the following information:

"(a) The State Party to be inspected;

"(b) The size and [type] [location] [nature] [and location] of the inspection site;

"(c) The concern regarding possible non-compliance with this Treaty including a specification of the relevant provisions of this Treaty about which the concern has arisen, and of the nature and circumstances of the possible non-compliance as well as [all appropriate information [obtained through the international monitoring system] on the basis of which the concern has arisen] [evidence of the possible non-compliance including use of nationally owned facilities];

"(d) The name of the observer of the requesting State Party; and

"(e) The point of entry to be used;

"(f) The requesting State Party may submit any additional information it deems necessary.]

"[31.2 The request for an inspection by the requesting State Party shall contain the following information:

"(a) The name of the inspected State Party or indication that a violation could occur in an area not under the jurisdiction of any State;

"(b) The presumable type of a nuclear explosion (underground, under water, in the atmosphere);

"(c) The estimated time of violation with indication of possible error;

"(d) The estimated geographic coordinates of the place of violation with indication of possible error;

"(e) Factual data from the global monitoring network and/or national means of verification which were the basis for a request for inspection and evidence of the conduct of a nuclear explosion;

"(f) Boundaries of the proposed area for inspection;

"(g) Suggested types of activity by an inspection team in the inspected area; and "(h) The name of the observer from the requesting State Party. The requesting State Party may also submit any additional information it deems necessary.]

"[31.3 A State Party requesting an On-Site Inspection pursuant to paragraph ... of Article ... shall submit an inspection request to the Director-General. The request shall contain at least the following information:

"(a) The State Party to be inspected.

"(b) The type, size and location of the site where the suspected nuclear explosion has allegedly taken place and the requested perimeter surrounding the inspection site:

- The inspection site shall consist of a continuous area, the size of which shall be the smallest compatible with the precision and other characteristics of those monitoring networks which are relevant to the specific event and to the specific site, in accordance with Part 7A of Section ... (IMS) of the Protocol.

- The size of the inspection site shall in no case exceed ... $km^2$ or a distance of ... km in any direction.

- The perimeter of the inspected site shall be specified on a map to the nearest second.

"(c) The nature and circumstances of the alleged nuclear explosion, including at least:

- time of occurrence,

- environment,

- approximate yield.

"(d) All reliable evidence and any other information upon which the request is based.

"(e) The explanations provided by the suspected State Party, if available.

"(f) The name of the observer of the requesting State Party.

"The requesting State Party may submit any additional information it deems necessary.]

"[31.4 Pursuant to paragraph ... of Article ... the inspection request submitted by the [Technical Secretariat] [Organization] to the Executive Council shall include:

"(a) The original request and all additional information submitted by the requesting State Party, as applicable.

"(b) The explanations and any other additional information submitted by the suspected State Party pursuant to paragraph ... of Article ....

"(c) The report of the [Technical Secretariat] [Organization], comprising the experts' evaluation of the alleged nuclear explosion and their recommendations.

"(d) The revised type, size and location of the site where the suspected nuclear explosion has allegedly taken place and the requested perimeter surrounding the inspection site:

- The inspection site shall consist of a continuous area, the size of which shall be the smallest compatible with:
    * the precision and other characteristics of those monitoring networks which are relevant to the specific event and to the specific site, in accordance with Part 7A of Section ... (IMS) of the Protocol.
    * all other relevant information provided during the [Technical Secretariat] [Organization] experts' evaluation of the request, including that provided by the State Parties involved.
- The size of the inspection site shall in no case exceed ... km$^2$ or a distance of ... km in any direction.
- The perimeter of the inspected site shall be specified on a map to the nearest second.

"(e) The revised nature and circumstances of the alleged nuclear explosion including at least:

- time of occurrence,
- environment,
- approximate yield.]

"[31.5 The Director-General shall within one hour acknowledge to the requesting State Party receipt of its request.]

"[31.6 Not later than 24 hours after receipt of a request the Director-General shall notify the Executive Council and all States Parties about the request and its content.]

"[31.7 Promptly after receipt of a request the Director-General shall undertake action aimed at obtaining additional information through the international monitoring system regarding the event specified in the request for an inspection. The specific procedures for obtaining additional information shall be set out in the respective Operational Manuals for Monitoring Systems. The Director-General shall inform the Executive Council about the proposed timing for obtaining the above additional information.]

"[31.8 Any State Party may communicate to the Director-General a notification containing factual information from its national technical means of verification regarding the event specified in the request for an inspection. The Director-General shall promptly transmit the notification to the Executive Council.]

### "[Procedures for Consideration of a Request and for Adoption of a Decision to Conduct Inspection]

"[31.9 Not later than seven days after receipt of a request for an inspection the Executive Ccuncil shall at its meeting consider the request and take a decision concerning the conduct of an inspection. The Director-General shall prepare for the meeting a report containing all available information regarding the event as well as an inspection plan with information on the boundaries of the inspected area, proposed types of activity by the inspection team in the inspected area, the starting time and duration of the inspection, the number of inspectors, the name of the head of the inspection team and the approximate cost for the conduct of the inspection. Neither the requesting State Party nor the inspected State Party shall participate in taking a decision on conducting an inspection. If a decision has been taken to conduct an inspection, the Executive Council shall consider and approve a plan to conduct an inspection. (The procedures of decision-making to be agreed.)]

"[31.10 Within 24 hours the Director-General shall notify all States Parties about the results of the consideration of the request by the Executive Council. In case of a decision to conduct an inspection, the notification shall contain an approved plan of an inspection. Each State Party shall have the right to request a report from the Director-General to the Executive Council. In case of such a request the Director-General shall within seven days transmit the report to the requesting State Party.]

"[31.11 The Director-General shall issue to the head of an inspection team a mandate to conduct an inspection. The mandate for an inspection shall contain:

"(a) The name of the inspected State Party or shall indicate that a violation could occur in an area not under the jurisdiction of any State;

"(b) The boundaries of the site to be inspected;

"(c) The planned types of activity of the inspection team at the site to be inspected;

"(d) The estimated date of the inspection and its duration;

"(e) The point of entry;

"(f) The estimated date of arrival of the inspection team at the point of entry;

"(g) The estimated date of arrival of observers at the point of entry;

"(h) The estimated date of arrival of equipment at the point of entry;

"(i) The name of the head of the inspection team;

"(j) The names of inspectors of the inspection team;

"(k) The name of an observer; and

"(l) The list of equipment.]

"[32. [Pursuant to the Executive Council approval of on-site inspection] The Director-General shall notify the [inspected] State Party not less than [12] [24] [48] hours before the planned arrival of the inspection team at the point of entry [, the requesting State Party being required to supply to him prior to this time advice as to the locality of the site to be inspected. Information on the locality will be conveyed at the same time by the Director-General to the Executive Council]. [This notification shall include the following information:

"(a) The point of entry;

"(b) The date and estimated time of arrival at the point of entry;

"(c) The means of arrival at the point of entry;

"(d) The location of the site to be inspected;

"(e) The names of the members of the inspection team;

"(f) If appropriate, aircraft clearance for special flights.]]

"33.1 [Notifications made by the Director-General shall include the following information:

"[(a) The inspection request submitted by the [Technical Secretariat] [Organization] with all its annexes;

"(b) The decision of the Executive Council;]

"(c) The point of entry;

"(d) The date and estimated time of arrival at the point of entry;

"(e) The means of arrival at the point of entry;

"(f) [The [locality] [location] [boundaries] of the site to be inspected;]

"(g) The names of inspectors [as well as observers] and other members of the inspection team;

"(h) If appropriate, aircraft clearance for special flights [;

"(i) Types of activity of an inspection team in the inspection area;

"(j) The estimated date and duration of an inspection;

"(k) The list of equipment;

"(l) The list of equipment which the Director-General requests to transport from the point of entry to the inspected area; and

"(m) The list of equipment which the Director-General requests to be given to the inspection team in the inspection area.]

"[(n) The name and details of the observer of the requesting Party, as applicable].]

"33.2 [The site to be inspected must consist of a continuous area, not exceeding [1,000] [100] $km^2$ or a distance of [50] [5] km in any direction.]

"[33.3 The requesting State Party shall notify the Director-General of the location of the inspection site in due time for the Director-General to be able to include this information in the notification to the inspected State Party referred to in paragraph .... The Director-General shall also convey to the Executive Council the information on the location of the inspection site.]

"[33.4 The requesting State Party shall designate the inspection site as specifically as possible using geographic coordinates. If possible, the requesting State Party shall also provide a map with a general indication of the inspection site.]

"34. [The inspected State Party shall acknowledge the receipt of a notification by the [Technical Secretariat] [Organization] of an intention to conduct an inspection, not later than [1 hour] [12 hours] after receipt of such notification.]

### "[Notification of] [Procedures for] Inspections of [Localities] [Areas] not under National Jurisdiction

"35. [The Director-General may authorize, following a request from [the [Technical Secretariat] [Organization] or from] a State Party, an inspection of an area beyond national jurisdiction in order to clarify and resolve concerns regarding possible non-compliance with the Treaty.]

"36. [[A State Party requesting such an inspection shall lodge particulars as to] [The inspection request shall contain at least the following information]:

"(a) the [locality] [location] of the inspection site;

"(b) the concern regarding possible non-compliance with the Treaty, including specification of the relevant provisions of the Treaty about which the concern has arisen, [and of the nature and circumstances of the possible non-compliance] as well as all appropriate information on the basis of which the concern has arisen; and

"(c) the name of the observer of the requesting State Party [as applicable].]

### "**[Part 4: Pre-Inspection Activities]**

### "**[Entry into the territory of the inspected State Party and transfer to the inspection site]**

"37.1 The inspected State Party which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort or by other means do everything in its power to ensure the safe conduct of the inspection team and its [baggage,] equipment and supplies, from its point of entry to the inspection site(s) [not later than 36 hours after arrival at the point of entry, if no other timing has been agreed upon] and to a point of exit.

"[37.2 Pursuant to paragraph ..., the inspected State Party shall inspect the equipment of the inspection team at the point of entry. That inspection shall be completed within the time-frame specified in paragraph ....]

"38.1 [The inspected State party shall, as necessary, assist the inspection team in reaching the inspection site not later than [12] [36] [48] hours after the arrival at the point of entry.]

### "**[Pre-Inspection Briefing and Inspection Plan]**

"[38.2 Upon arrival at the inspection site and before commencement of the inspection, the Inspection Team shall be briefed by the inspected State Party representatives on safety and confidentiality issues and on administrative and logistic arrangements. The inspected State Party shall indicate sensitive locations within the inspection perimeter that are not related to the purpose of the inspection.]

"[38.3 After the pre-inspection briefing, the Inspection Team shall prepare an initial inspection plan which specifies the activities to be carried out by the Inspection Team. The inspection plan shall be made available to the representatives of the inspected State Party. Its implementation shall be consistent with the provisions of Sections ... (Conduct of Inspection, Access regime, Safety, Confidentiality).]

### "**[Verification of Location]**

"[38.4 To help establish that the inspection site to which the inspection team has been transported corresponds to the inspection site specified by the requesting State Party, the inspection team shall have the right to use approved location-finding equipment and to have such equipment installed according to its directions. The inspection team may verify its location by reference to local landmarks identified from maps. The inspected State Party shall assist the inspection team in this task.]

### "**[Part 5:] Conduct of Inspections**

### "**General Rules**

"39.1 [The Inspection Team shall begin its inspection in the specified area to be inspected not later than [seven days] after it receives [a [request] [mandate] for inspection from the Executive Council [or the Director-General]] [the inspection mandate from the Director-General].] The members of the inspection team shall discharge their functions in accordance with the provisions of this Treaty [, elaborated in the Operational Manual for International On-Site Inspections].

"[39.2 The inspected State Party shall provide access within the inspection site as soon as possible, but in any case not later than (12) hours after the arrival of the inspection team at the point of entry, in order to clarify the concern regarding possible non-compliance with this Treaty raised in the inspection request. The extent and nature of access to a particular area within the inspection site shall be negotiated between the inspection team and the inspected State Party on a managed access basis.]

"[39.3 In meeting the requirement to provide access as specified in paragraph ..., the inspected State Party shall be under the obligation to allow the greatest degree of access, taking into account any constitutional obligations it may have with regard to proprietary rights or searches and seizures. The inspected State Party has the right under managed access to take such measures as are necessary to protect national security. The provisions in this paragraph may not be invoked by the inspected State Party to conceal evasion of its obligations not to engage in activities prohibited under this Treaty.]

"[39.4 Immediately before taking measurements the members of an inspection team shall check up the working condition of the equipment brought to the inspection area by the inspected State Party. In case of equipment getting out of order during transportation the Director-General can extend the mandate in order to replace the deficient equipment.]

"[39.5 On-site inspections can be conducted with the use of the following technologies:

"(a) Topographic work for the purposes of determining the real coordinates of the inspection area and the coordinates of points where measurements shall be carried out in the area designated for inspection;

"(b) Visual observations of the area including observations from aircraft, above water or submarine craft;

"(c) Photo and video picture-taking in different wave lengths including photography from aircraft, above water and submarine craft;

"(d) Taking samples of gas, soil and liquids from wells (up to 20 m deep) for the purposes of determining concentration of radioactive products of an explosion, including radioactive noble gases and tritium, as well as the content of stable gases, such as $CO_2$, $CH_4$, $H_2$;

"(e) Measurement of radionuclide activity in the atmosphere, on the ground surface, underground, underwater, including remote spectral gamma survey from an aircraft or a submarine craft;

"(f) Seismological survey of the inspected area with the use of passive and active seismic measurement methodology and of electric- and hydrodynamic pulse sources or explosions of individual charges of explosives;

"(g) Geophysics study of the area, including magnetic, gravitational, and thermal measurements and measurements of the soil conductivity from an aircraft; and

"(h) Drilling into the area of an estimated underground nuclear test for the purposes of obtaining radioactive products of an explosion.]

"[39.6 An area for an inspection shall be proposed by the Director-General, taking into account a request by the requesting State Party, proceeding from:

"(a) an estimated location of the ambiguous event by verification means defined in this Treaty;

"(b) technical capacities of on-site inspection methods and means;

"(c) geologic and geographic and environmental conditions, the level of technogenic activity at the estimated site of the conduct of a concealed nuclear explosion; and

"(d) reasonable activity in the inspection procedures from the position of non-violation of the sovereignty of the inspected State Party and of an acceptable cost for the conduct of an inspection.]

"[39.7 The area located on the territory of an inspected State party or under its jurisdiction for inspection with the use of technologies which propose using air-based means (aircraft, helicopters) should be one single area with a surface of not more than 1,000 $km^2$ or as long as not more than 50 km in any direction. The coordinates of the boundaries of the area shall be indicated in the inspection mandate.]

"[39.8 The areas for inspection with the use of ground-based technologies should be within the limits of the area whose boundaries are indicated in the inspection mandate. The total surface of these areas should not be more than ... km$^2$ and a number of such areas not more than .... The data regarding the boundaries of the areas with an accuracy of up to 500 m shall be transmitted in writing by the head of the inspection team to the representative of the inspected State Party not less than 24 hours prior to the arrival of inspectors in those areas.]

"[39.9 The inspected State Party may request to exclude from the inspection area, with the use of aircraft, of territories on which sensitive facilities are located. The surface of the territories should not exceed ... per cent of the inspection site surface.]

"[39.10 The total number of inspectors present on the territory of the inspected State Party at any given time should not exceed 40 persons.]

"40.1 The activities of the inspection team shall be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to the inspected State party and disturbance to the area inspected.

"[40.2 If the inspected State Party provides less than full access to areas, activities, or information, it shall be under the obligation to make every reasonable effort to provide alternative means to clarify the possible non-compliance concern that generated the inspection request.]

"[40.3 ... days prior to conducting an inspection with the use of helicopters or aircraft the head of an inspection team shall submit to the representative of the inspected State Party a flight plan. The representative of the inspected State Party can request to change the flight plan to exclude obtaining sensitive information by the inspection team. The head of the inspection team shall take into account the request to the extent he deems it appropriate. Such request should be reflected in the factual report.]

"41. In the performance of their duties on the territory of an inspected State Party, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of the inspected State party, but the inspection team must not thereby be delayed or otherwise hindered in the exercise of its functions.

"42.1 [Detailed procedures for the conduct of inspections shall be developed for inclusion in the Operational Manual for [International] On-Site Inspections.]

### "**[Safety]**

### "**[Confidentiality]**

### "**[Access Regime]**

"[42.2 In carrying out the inspection in accordance with the inspection request, the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify the concern about possible non-compliance with the provisions of this Treaty, and shall refrain from activities not relevant thereto. It shall collect and document such facts as are related to the possible non-compliance with this Treaty by the inspected State Party, but shall neither seek nor document information which is clearly not related thereto, unless the inspected State Party expressly requests it to do so. Any material collected and subsequently found not to be relevant shall not be retained.]

"[42.3 The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission. Wherever possible, it shall begin with the least intrusive procedures it deems acceptable and proceed to more intrusive procedures only as it deems necessary.]

"[42.4 The inspection team and the inspected State Party shall negotiate: the extent of access to particular areas within the inspection site; the particular inspection activities, including sampling, to be conducted by the inspection team; the performance of particular activities by the inspected State Party; and the provision of particular information by the inspected State Party.]

### "[Conduct of Inspections in the Areas Not under the Jurisdiction of any State]

"[42.5 In case of an inspection of the territory not under the national jurisdiction of any State the Director-General after consultation with the respective States Parties selects the points of entry appropriate for a speedy arrival of an inspection team in the inspection area and basing points.]

"[42.6 The State Parties on whose territory the points of entry and basing points are located shall assist in transporting an inspection team, its luggage, equipment and materials to the inspection site as well as in conducting an inspection.]

### "Communications

"43.1 Inspectors shall have the right [throughout the in-country] [at all times during on-site inspection] period to communicate with the Headquarters of the [Technical Secretariat] [Organization]. For this purpose they may use their own, duly certified, approved equipment [with the authorization of the inspected State Party] and may request that the inspected State Party provide them with access to other telecommunications [if available]. The inspection team shall have the right to use its own [two-way system of radio communications] [radio communications system] between members of the inspection team.

### "[Equipment]

"[43.2 The list of equipment allowed to be used in conducting an on-site inspection and the procedures for the use of such equipment shall be prepared and updated, as necessary, by the [Technical Secretariat] [Organization]. Each State Party may submit proposals on equipment for conducting inspections to be included in the list. In preparing such a list of permitted equipment and appropriate procedures the [Technical Secretariat] [Organization] shall take complete account of safety considerations for all types of facilities where such equipment may be used. The list of equipment permitted to be used in conducting on-site inspections shall be considered and approved by the Executive Council.]

"[43.3 The [Technical Secretariat] [Organization] shall organize the preparation of equipment for on-site inspections on the basis of agreements with the States Parties possessing appropriate technologies. The States Parties which provided appropriate technologies and the [Technical Secretariat] [Organization] which has accepted such equipment for storage shall be responsible for the technical readiness of the equipment to conduct inspections. The [Technical Secretariat] [Organization] shall update the equipment and replace it by more efficient equipment. The equipment shall be provided with special protection from unauthorized modification.]

"[43.4 In carrying out activity related to the conduct of on-site inspections in accordance with this Protocol the inspection team shall have the right to take to the territory of the inspected State Party and use the permitted equipment.]

"[43.5 The complete list of equipment for conducting on-site inspections shall include:

- technologies specified in paragraph ...;

- equipment specified in paragraph ....]

"**Inspection team and inspected State Party rights**

"[44.1 The inspection team shall, in accordance with the relevant Articles of and Protocol to this Treaty, have the right [of] [to unimpeded] access to the inspection site.]

"[44.2 The inspection team shall take into consideration suggested modifications of the inspection plan and proposals which may be made by the inspected State Party, at whatever stage of the inspection including the pre-inspection briefing, to ensure that sensitive equipment, information or areas, not related to the [scope] [object and purpose] of this Treaty, are protected.]

"[44.3 The inspected State Party shall designate the perimeter entry/exit points to be used for access. The inspection team and the inspected State Party shall negotiate: the extent of access to any particular place or places within the final and requested perimeters as provided in paragraph 48; the particular inspection activities, including sampling, to be conducted by the inspection team; the performance of particular activities by the inspected State Party; and the provision of particular information by the inspected State Party.]

"[44.4 In conformity with the relevant provisions on the Confidentiality Annex the inspected State Party shall have the right to take measures to protect sensitive installations and prevent disclosure of confidential information and data not related to the [scope] [object and purpose] of this Treaty. Such measures may include, inter alia:

"(a) Removal of sensitive papers from office spaces;

"(b) Shrouding of sensitive displays, stores, and equipment;

"(c) Shrouding of sensitive pieces of equipment, such as computer or electronic systems;

"(d) Logging off of computer systems and turning off of data indicating devices;

"(e) Restriction of sample analysis to determine the presence or absence of substances relevant to the purpose of the inspection;

"(f) Using random selective access techniques whereby the inspectors are requested to select a given percentage or number of buildings of their choice to inspect; the same principle can apply to the interior and content of sensitive buildings;

"(g) In exceptional cases, giving only individual inspectors access to certain parts of the inspection site.]

"[44.5 The inspected State Party shall make every reasonable effort to demonstrate to the inspection team that any object, building, structure, container or vehicle to which the inspection team has not had full access, or which has been protected in accordance with paragraph 48, is not used for purposes related to the possible non-compliance concerns raised in the inspection request.]

"[44.6 This may be accomplished by means of, inter alia, the partial removal of a shroud or environmental protection cover, at the discretion of the inspected State Party, by means of a visual inspection of the interior of an enclosed space from its entrance, or by other methods.]

"45.1 [Inspectors shall have the right to:

"[[(a) conduct visual inspections of the area from the air, on the ground, and on and in the water;

"(b) conduct inspections of the area using infrared means of observation from the air, on the ground, and on and in the water;

"(c) take photographs in the visual and infrared parts of the spectrum from the air, on the ground, and on and in the water;]

"(d) measure radiation and levels of radioactivity in the atmosphere above the area, at ground level, underground and in water;

"(e) conduct temporary seismological measurements in the area;

"(f) conduct other geophysical measurements in the area, including magnetic, gravity and electrical resistivity measurements;

"(g) conduct on-site drilling; and

"(h) use radar imaging].]

"45.2 [An aerial inspection may be carried out only with the permission of the inspected State Party, which shall have the right to deny access to such an inspection or to restrict its route or range.]

"46. An Inspection Team conducting an inspection in an area not within any State's national jurisdiction may use any verification techniques which the Director-General deems appropriate.

"47. The representatives of the inspected State Party shall have the right to observe all verification activities carried out by the inspection team.

"48.1 The inspected State Party shall receive copies, [at its request,] of the information [and] [,] data [and samples] gathered at the inspected site.

"[48.2 The inspected State Party shall have the right to limit the use of photo and video equipment beyond the inspected area.]

"[48.3 The inspected State Party shall be reimbursed by the Organization in all expenses related to the stay and activity of an inspection team on the territory of the inspected State Party.]

"49.1 Inspectors shall have the rights to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the representative of the inspected State Party. The representative of the inspected State Party shall provide the inspection team, during the inspection, with such clarification as may be necessary to remove the ambiguity.

### "[Overflights]

*"It has been suggested that an Overflights regime should be elaborated by a group of experts.*

*"It has been suggested to consider an overflight regime for the implementation of paragraph 45 (a). Furthermore the use of commercially available aircraft could be considered. A view has also been expressed that an overflight regime should be negotiated on a case-by-case basis.*

### "Collection, handling and analysis of samples

"[50. [Subject to the provisions in paragraph ... ] The inspection team may take [relevant] samples from the inspected area.]

"[51. Where possible the analysis of samples shall be performed on site. The inspection team shall have the right to perform on-site analysis of samples using approved equipment brought by it. At the request of the inspection team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on site.]

"[52. The inspected State Party has the right to retain portions of all samples taken [at the on-site inspection site by the inspecting party] or take duplicate samples and be present when samples are analysed on site.]

"[53.1 The inspection team shall, if it deems necessary, transfer samples for analysis off site at [certified] laboratories designated by the Organization.]

"[53.2 The Director-General on the basis of proposals of States Parties shall determine not more than five designated laboratories which correspond most adequately to the requirements for the designated laboratory to carry out sample analysis.]

"[53.3 The tasks to be resolved at the designated laboratories:

"(a) Preparation of samples for quality analysis;

"(b) Radiometric, spectrometric, chromatographic, ion-selective, ... analyses of samples;

"(c) Sample comparison;

"(d) Provision of certified analysis data; and

"(e) Submission of a report on the work done, specifying methods, instruments and equipment used during such work.]

"[54. The Director-General shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for analysis off site is protected. The Director-General shall do so in accordance with procedures, to be considered and approved by the Conference, for inclusion in the Operational Manual for International On-Site Inspections. He or she shall:

"(a) Establish a stringent regime governing the collection, handling, transport and analysis of samples;

"(b) Certify the laboratories designated to perform different types of analysis;

"(c) Oversee the standardization of equipment and procedures at these [designated] [certified] laboratories, mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories, mobile equipment and procedures; and "(d) Select from among the [designated] [certified] laboratories those which shall perform analytical or other functions in relation to specific investigations.]

"[55. When off-site analysis is to be performed, samples shall be analysed in at least two [designated] [certified] laboratories [where feasible]. The [Technical Secretariat] [Organization] shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the [Technical Secretariat] [Organization] and any unused samples or portions thereof shall be returned to the [Technical Secretariat] [Organization].]

"[56. The [Technical Secretariat] [Organization] shall compile the results of the laboratory analysis of samples relevant to compliance with this Treaty and include them in the final inspection report. The [Technical Secretariat] [Organization] shall include in the report detailed information concerning the equipment and methodology employed by the designated laboratories.]

### "Observers

"57.1 In accordance with the provisions of Article ... on the participation of an observer in the inspection, the requesting State Party shall liaise with the [Technical Secretariat] [Organization] to coordinate the arrival of the observer at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival.

"[57.2 Not later than 30 days after the entry into force of this Treaty any State Party shall inform the Director-General of the names of observers. The Director-General shall include the nominations proposed by the States Parties in the list of observers. A person on the list of observers may also be on the list of inspectors.]

"[57.3 Not later than 60 days after the entry into force of this Treaty the Director-General shall circulate the list of observers to all States parties. Each State Party shall promptly acknowledge receipt of the list of observers proposed for inclusion. Any observer included in the list shall be regarded as accepted unless any State Party declares, not later than 30 days after the acknowledgement of receipt of the list, its non-acceptance in writing. The State Party shall indicate the reasons for such non-acceptance. In that case the observer shall not participate in verification activity on the territory or in any other area under the jurisdiction or control of the State Party which has declared its non-acceptance.]

"[57.4 Each State Party may at any time replace its representatives on the list of observers. The Director-General shall annually review the list of observers taking account of proposals by States Parties and notify all States Parties about changes of the list of observers.]

58.1 The observer shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or, in the case of absence of an embassy, with the requesting State Party itself. The inspected State Party shall provide means of communication to the observer [if necessary].

"[58.2 The observer shall have the right to arrive at the inspection site and to have access to the inspection site as granted by the inspected State Party.]

"59. [The observer shall have the right to make recommendations to the inspection team, which the team shall take into account to the extent it deems appropriate.] Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

"60. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer such as communication means, interpretation services, transportation, [working space,] lodging, meals and medical care. All the costs in connection with the stay of the observer on the territory of the inspected State Party shall be borne by the requesting State Party.

### "Inspection duration

"61.1 [An inspection shall not normally exceed [seven days] after the arrival of the inspection team at site in the territory of the State Party to be inspected. Periods of inspection may be extended by agreement with the representative of the inspected State Party.]

"[61.2 Except for cases when drilling is carried out for sampling purposes, the duration of an inspection in the inspection area shall not exceed 40 days. The Director-General may decide to conduct inspections in two stages with an interval between them which is used for transporting the necessary instruments to the inspection area. Upon completion of the first stage, an inspection team shall leave the territory of the inspected State Party or by agreement with a representative of the inspected State Party shall wait for the second stage of inspection at an agreed point on the territory of the inspected State Party. Periods of inspection may be extended by agreement with a representative of the inspected State Party. The necessity and duration of operations related to drilling for the purposes of identifying an ambiguous event as a nuclear test shall be determined by the Director-General and approved by the Executive Council.]

### "Post Inspection Briefing

"62. Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardized format, together with a list of any samples and other material [which the inspected State Party has allowed] to be taken off site. The document shall be signed by the head of the inspection team. In order to indicate that he or she has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. The meeting shall be completed not later than 24 hours after the completion of the inspection.

### "**Departure**

"63. Upon completion of the post-inspection procedures, the inspection team and the observer shall leave, as soon as possible, the territory of the inspected State Party.

### "**Reports**

"64.1 [Not later than [72 hours] after the inspection, the inspectors shall prepare a factual, [final] report on the activities conducted by them and on their findings. It shall only contain facts relevant to compliance with this Treaty, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected cooperated with the inspection team. Differing observations made by inspectors may be attached to the report.]

"[64.2 Not later than ... after the inspection the [Technical Secretariat] [Organization] shall submit to the Executive Council the final report on the inspection conducted and on its conclusions on the basis of a factual report, results of sample analysis in designated laboratories and data received by the international monitoring system as well as information provided by States Parties.]

"65. [Upon the [Technical Secretariat] [Organization] completing the assessment of the inspection's findings, as provided by paragraph ... of Article ... ] [The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.]

## "[SECTION:

## "[TRANSPARENCY] [ASSOCIATED] [CONFIDENCE BUILDING] MEASURES]

*"The following issues on transparency measures have been suggested for further consideration:*

- *Exchange of information on events which might lead to misunderstandings*
- *Transparency measures related to former nuclear test sites*
- *Transparency measures related to cavities*
- *Facilities related to nuclear weapon tests*
- *Transparency measures related to chemical explosions*

- *Declaration of locations where certain chemical explosions are conducted routinely*

- *Prior notification of chemical explosions above a designated threshold*

- *Post event notification of unscheduled events/of all explosions above a designated threshold*

- *Sensor deployment at a limited number of specific sites, such as mines, which have chemical explosions above a designated threshold*

- *Visits by an inspection team of the Organization at such specific sites*

*"Dependent upon the outcome of discussions on the above listed transparency measures, in this section language could be introduced describing agreed transparency measures in detail and appropriate procedures to be applied.]*

## "PART 3

"The documents to be listed in this section appear in paragraphs five and six of this report."

26. During the 1994 session, the Conference had before it the progress reports on the thirty-seventh, thirty-eighth and thirty-ninth sessions of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events as contained in documents CD/1245 and Corr. 1, CD/1253 and CD/1271 and Corr.1, respectively. The Ad Hoc Group met from 7 to 18 February, from 21 to 25 March and 8-19 August under the Chairmanship of Dr. Ola Dahlman of Sweden. At its 674th, 680th and 691st plenary meetings on 10 March, 2 June and 6 September, the Conference adopted the recommendations contained in those progress reports. Several delegations commented on them.

## B. Cessation of the Nuclear Arms Race and Nuclear Disarmament

27. The Conference did not establish an Ad Hoc Committee on this agenda item during the 1994 session. The following new documents were submitted to the Conference under the agenda item.

(a) CD/1225, dated 5 October 1993, entitled "Letter dated 1 October 1993 from the Representative of the Russian Federation addressed to the President of the Conference on Disarmament transmitting the texts of an agreement between the Government of the Russian Federation and the Government of Ukraine on the recycling of nuclear warheads as well as basic principles governing the recycling of nuclear warheads from strategic nuclear forces deployed in Ukraine, signed on 3 September 1993".

(b) CD/1226, dated 5 October 1993, entitled "Letter dated 2 October 1993 from the Deputy Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting a press release and a statement by the Representative of the Ministry of Foreign Affairs of the Russian Federation related to the issue of the elimination of nuclear weapons deployed on the territory of the Ukraine".

(c) CD/1228, dated 28 October 1993, entitled "Letter dated 22 October 1993 from the Permanent Representative of Ukraine addressed to the Secretary-General of the Conference on Disarmament transmitting the press release of the Press-Centre of the Ministry of Foreign Affairs of Ukraine dated 24 September 1993".

(d) CD/1229, dated 30 November 1993, entitled "Letter dated 24 November 1993 from the Permanent Representative of Ukraine addressed to the Secretary-General of the Conference on Disarmament transmitting the Resolution of the Verkhovna Rada of Ukraine on ratification of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the Protocol to it, signed in Lisbon on behalf of Ukraine on 23 May 1992".

(e) CD/1230, dated 30 November 1993, entitled "Letter dated 29 November 1993 from the Permanent Representative of the Russian Federation to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting a statement issued by the Government of the Russian Federation on 25 November 1993 regarding a decision adopted by the Supreme Soviet of Ukraine on 18 November 1993 concerning the START-I Treaty".

(f) CD/1237 and Corr.1, dated 21 January 1994, entitled "Letter dated 20 January 1994 from the Permanent Representative of Indonesia addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the statement by President Soeharto, in his capacity as Chairman of the Non-aligned Movement, on the nuclear issue on the Korean Peninsula".

(g) CD/1243, dated 4 February 1994, entitled "Letter dated 26 January 1994 from the Permanent Representative of the Russian Federation to the Conference, the Representative of the United States of America to the Conference and the Permanent Representative of Ukraine addressed to the President of the Conference on Disarmament transmitting texts of the Trilateral Statement by the Presidents of the Russian Federation, the United States of America and Ukraine, as well as the Annex to the Trilateral Statement, signed in Moscow on 14 January 1994".

(h) CD/1244 and Corr.1, dated 8 February 1994, entitled "Letter dated 7 February 1994 from the Permanent Representative of Ukraine addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the Resolution dated 3 February 1994 of the Verkhovna Rada of Ukraine on the implementation by the President of Ukraine and the Government of Ukraine of the recommendations contained in paragraph 11 of the Resolution of the Verkhovna Rada of Ukraine 'On the ratification of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms' signed in Moscow on 31 July 1991 and the Protocol to it signed in Lisbon on behalf of Ukraine on 23 May 1992".

(i) CD/1248, dated 3 March 1994, entitled "Letter dated 25 February 1994 from the Leader of the delegation of the United Kingdom of Great Britain and Northern Ireland and the Permanent Representative of the Russian Federation to the Conference addressed to the President of the Conference on Disarmament transmitting the Joint Declaration by the President of the Russian Federation and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland on the de-targeting of nuclear missiles, issued in Moscow on 15 February 1994".

(j) CD/1258, dated 19 May 1994, entitled "Letter dated 19 May 1994 from the Acting Representative of the United States of America to the Conference and the Permanent Representative of Ukraine addressed to the President of the Conference on Disarmament transmitting the text of a joint United States-Ukraine statement on security and defence matters as well as the text of a document relating to a United States-Ukraine missile export control agreement, issued in Washington on 13 May 1994".

(k) CD/1278, dated 7 September 1994, entitled "Prohibition of the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices: statement by the Netherlands on behalf of the Western Group".

(l) CD/1279, dated 7 September 1994, entitled "Prohibition of the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices: statement by Poland on behalf of the Eastern European Group".

(m) CD/1280, dated 7 September 1994, entitled "Letter dated 7 September 1994 from the Permanent Representative of Pakistan addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of his statement made on paragraph 29 of the Report of the Conference on Disarmament on the issue of a fissile materials convention".

28. During plenary meetings of the Conference, delegations reaffirmed or further elaborated their respective positions on the agenda item, the detailed descriptions of which were duly recorded in the previous annual reports of the Conference, in particular paragraphs 41-56 of the 1992 report to the General Assembly of the United Nations (CD/1173), related official documents and working papers, as well as plenary records.

### Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices

29. At the 668th plenary meeting of the Conference on 1 February 1994, the Special Coordinator was appointed to seek the views of the members of the Conference on the most appropriate arrangement to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. At the 677th, 684th, 686th and 692nd plenary meetings, the Special Coordinator presented progress reports on his consultations. There was consensus among members that the Conference was the appropriate forum to negotiate a treaty on this issue. While there was no agreement on a mandate for an Ad Hoc Committee, there was agreement, in principle, that an Ad Hoc Committee on this issue should be established as soon as a mandate had been agreed. To this end, the Conference requested the Special Coordinator to continue consultations on an appropriate mandate for an Ad Hoc Committee in order to enable the convening of this Ad Hoc Committee as soon as possible.

## C. Prevention of Nuclear War, including all Related Matters

30. The Conference on Disarmament did not establish an Ad Hoc Committee on this agenda item during the 1994 session. No new documents were submitted to the Conference specifically under the agenda item during the 1994 session, although references were made by some delegations to documents listed in paragraph 27 above as relevant for agenda item 3.

31. During plenary meetings of the Conference, delegations reaffirmed or further elaborated their respective positions on the agenda item, the detailed descriptions of which were duly recorded in the previous annual reports of the Conference, in particular paragraphs 62-71 of the 1992 report to the General Assembly of the United Nations (CD/1173), related official documents and working papers, as well as plenary records.

## D. Prevention of an Arms Race in Outer Space

32. At its 691st plenary meeting, on 6 September 1994, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the

agenda item at its 666th plenary meeting (see para. 6 above). That report (CD/1271 as amended at the 691st plenary meeting) is an integral part of this report and reads as follows:

### "I. INTRODUCTION

"1. At its 666th plenary meeting on 25 January 1994, the Conference on Disarmament re-established an Ad Hoc Committee on the item 'Prevention of an Arms Race in Outer Space' with the mandate contained in document CD/1125 of 14 February 1992.

### "II. ORGANIZATION OF WORK AND DOCUMENTS

"2. At its 669th plenary meeting on 3 February 1994, the Conference on Disarmament appointed Ambassador Perez Novoa of Cuba as Chairman of the Ad Hoc Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, United Nations Centre for Disarmament Affairs, continued to serve as the Committee's Secretary.

"3. The Ad Hoc Committee held 19 meetings between 15 February and 23 August 1994.

"4. In addition to the documents of the previous sessions [1] the Ad Hoc Committee had before it the following documents relating to the agenda item submitted to the Conference on Disarmament during the 1994 session:

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|---|---|
| CD/OS/WP.68 | 1994 Programme of Work |
| CD/OS/WP.69 | Draft Guidelines regarding Measures on Confidence Building and Predictability in Outer Space Activities (by Alexander V. Vorobiev, Friend of the Chairman) |
| CD/OS/WP.70 | Paper by Professor N. Ronzitti (Italy), (Friend of the Chair on Terminological and Legal Issues) - Legal Definitions |
| CD/OS/WP.71 | Questionnaire on Legal and Terminological Issues - (Friend of the Chair, Professor N. Ronzitti, Italy) |
| CD/OS/WP.72 | Outer Space and Modern Conflict - Some Reflections on Military and Security Related Space Uses and Associated Legal Policy Issues - (Dr. Wulf von Kries, Germany) |
| CD/OS/WP.73 | Runaway proliferation of orbital debris: security implications and possible cooperative responses - (Professor P. Farinella, Italy) |

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"[1] The list of documents of the previous sessions may be found in the 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992 and 1993 reports of the Ad Hoc Committee (CD/642), CD/732, CD/787, CD/870, CD/956, CD/1039, CD/1111, CD/1165 and CD/1217 respectively), and in the special report to the Third Special Session of the General Assembly devoted to Disarmament (CD/834).

| | |
|---|---|
| CD/OS/WP.74 | Summary of Experts' Presentations |
| CD/OS/CRP.16 and Corr.1 2/ | Resumé by the Friend of the Chairman of Proposals and the Course of Discussions on Confidence-Building Measures in Outer Space |

"III. SUBSTANTIVE WORK DURING THE 1994 SESSION

"5. Following consultations on the organization of work at its first meeting on 15 February 1994, the Ad Hoc Committee adopted the following Programme of Work for the 1994 Session:

1. Examination and identification of issues relevant to the prevention of an arms race in outer space.

2. Existing agreements relevant to the prevention of an arms race in outer space.

3. Existing proposals and future initiatives on the prevention of an arms race in outer space.

In carrying out its work with a view to finding and building upon areas of convergence, the Ad Hoc Committee will take into account relevant proposals, initiatives and developments since the establishment of the Committee in 1985 including those presented at the 1993 session of the Conference on Disarmament.

The practice of appointing Friends of the Chairman to organize open-ended consultations on issues of specific interest to the Committee should continue.

"6. The Ad Hoc Committee agreed that it would give equal treatment to the subjects covered by its mandate and specified in its Programme of Work. Accordingly, the Committee agreed to allocate the same number of meetings to each of those subjects, while any member wishing to do so may discuss any subject important and relevant to the work of the Committee.

"7. The work of the Ad Hoc Committee was governed by the mandate which aims at the Prevention of an Arms Race in Outer Space.

"8. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed their respective positions which can be found in the previous annual reports of the Committee, related Conference documents and Working Papers, and Plenary Records, or further elaborated on them as indicated in subsequent paragraphs.

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"2/ CD/OS/CRP.16/Corr.1* - reissued in English only.

"9. The Ad Hoc Committee once again benefitted from the scientific and technical contributions of experts from various delegations, who addressed the following specific issues and initiatives under consideration in the Committee:

- 'Feasibility of different measures envisaged for a Code of Conduct' - Mr. F. Alby (France)
- 'Runaway proliferation of orbital debris: security implications and possible cooperative responses' - Professor P. Farinella (Italy)
- 'Outer Space and Modern Conflict - Some Reflections and Security Related Space Uses and Associated Legal Policy Issues' - Dr. W. von Kries (Germany)

The summary of those presentations is contained in document CD/OS/WP.74 dated 15 August 1994. The Committee expressed its appreciation to the delegations who provided these contributions.

"10. The Ad Hoc Committee carried out substantive work on legal and terminological issues and on confidence-building measures during the consultations held by the Friends of the Chair who were appointed by the Chairman to deal with the following issues without prejudice to positions of delegations in open-ended consultations:

"(i) confidence-building measures in outer space (Mr. Alexander V. Vorobiev, Delegation of the Russian Federation)

"(ii) terminology and other relevant legal aspects related to prevention of an arms race in outer space (Mr. Natalino Ronzitti, Delegation of Italy).

"Summary of the efforts of the Friends of the Chairman

"(a) On legal and terminological issues the discussion in the Committee was stimulated by Questionnaires and Working Papers submitted by the Friend of the Chair (documents CD/OS/WP.70 dated 1 July 1994 and CD/OS/WP.71 dated 1 August 1994). These papers took stock of the work already done in previous years on this subject and of existing proposals. The questionnaire (document CD/OS/WP.71) was drafted in order to find out, inter alia, whether the existing Space Treaties were sufficient for the prevention of an arms race in outer space and, in the event of a negative response, what kind of legal instrument or measures should be employed for filling in any existing lacuna. In this context besides drafting new instruments, other legal techniques were also explored, such as Treaty revision, the conclusion of additional protocols, the establishment of CBMs complementing existing Agreements, or the conclusion of a new international agreement or agreements. Delegations found the question of terminological issues important, even though it was generally held that the completion of work on terminology was not a conditio sine qua non for negotiating new instruments or measures for the prevention of an arms race in outer space. Since many existing instruments contained legal definitions, the Friend of the Chair suggested that a possible approach might consist of making a compilation of terms already defined. In effect, definitions of legal terms could be found both in multilateral and bilateral Treaties on outer space and, to a certain extent, even in recent resolutions. Existing proposals also could constitute a source of definitions of legal terms;

"(b) The Friend of the Chair on confidence-building measures proposed to the Committee to discuss CBMs on the basis of the table contained in document CD/OS/WP.58 dated 12 March 1993. The delegations agreed to this proposal and considered individually each of the three main clusters of CBMs as set out in the table: measures to improve the transparency of pre-launch activities; rules-of-the-road measures; and measures required for monitoring purposes in connection with the proposed code of conduct. Proceeding from the course of the discussions on the substance of the confidence-building measures which took place in the Ad Hoc Committee during the first part of the 1994 session and previous years, the Friend of the Chair presented, at his own discretion, a resumé of the existing proposals and the discussions held (CD/OS/CRP.16 of 17 May 1994) and the 'Draft Guidelines regarding measures on confidence-building and predictability in outer space activities' (CD/OS/WP.69 of 1 July 1994). The latter Working Paper also contained a questionnaire which covered some of the bigger issues raised by the delegations in regard to the Draft Guidelines. Some of the initial observations of the delegations regarding the Draft Guidelines concerned the format of the document and its choice of CBMs. At the same time, an observation was made that the Draft Guidelines could serve as a possible basis for further work on CBMs. The Friend of the Chairman proposed to depart from the discussions on the format of the document on CBMs and to come to this issue when a better understanding on the substance of the CBMs in outer space was reached. At the subsequent consultations the delegations commented on the scope of the exchange of information and notifications, as well as the time frame for providing them, on the establishment of an international outer space monitoring system and a communications network, and on the issue of whether elaborate notifications for space objects with nuclear power sources and assessment of compliance should be part of the CBMs regime. Pointing to the need for more comments from the delegations for that purpose, the Friend of the Chairman proposed to try at the next session to incorporate the views of the delegations in the Draft Guidelines or another consolidated document.

The Committee voiced its appreciation of the work by the Friends of the Chair and their organization of open-ended consultations.

### "Summary of the general discussions

"11. During the annual session in the course of the debates, as well as in the open-ended consultations, the attention of the Committee was drawn to the issues of the adequacy of the current legal regime, confidence-building measures in outer space activities, and terminological aspects of the work of the Committee.

"12. Members of the Group of 21 and China maintained that the prevention of an arms race in outer space would pave the way for the exploration and peaceful uses of outer space solely for the common interest and benefit of mankind. Those delegations emphasized that the existing legal instruments relating to outer space were far from effective in preventing an arms race in outer space. The same delegations, as well as the Russian Federation, pointed out that those legal instruments did not prevent launching into space and testing in space of conventional weapons as well as weapons based on new physical principles, such as lasers, very high frequency weapons, particle beam weapons and others. Delegations of the Group of 21 and China expressed concern that given the similarities of requisite technology, the unrestrained development of ballistic missile defences could lead to development of ASAT weapons. These delegations further shared the views expressed by, inter alia, the delegations of Indonesia and China that certain space powers were still engaged in activities which may lead to an arms race in outer space. In this respect they felt that States with advanced technology and capabilities had special responsibilities for the discontinuance of all weapon-related activities adversely affecting the peaceful uses of outer space. They were of the view that the Ad Hoc Committee had also to address the question of the demilitarization of outer space. The above-mentioned delegations maintained that the task of preventing an arms race in outer space was still of importance and urgency. They believed that the international political situation was now conducive to the conclusion of a treaty banning an arms race in outer space which should be universal, comprehensive, legally-binding, multilateral and effectively verifiable. Some members of the Group of 21 stressed that the voluminous and relevant documentation produced in the Ad Hoc Committee since its establishment in 1985 on the subject could constitute a basis for the rapid elaboration of a legal regime that prevents an arms race in outer space. They suggested that the Committee should examine, inter alia, the proposals which had been made over the years to amend Article IV of the Outer Space Treaty of 1967 to include the prohibition of all types of space weapons. Some of them specifically referred to the idea of a ban on the testing, development and deployment of ASATs. In this regard, this group of delegations stressed that the Committee should also examine the reinforcement of existing legal instruments by more effective implementation and broader participation of States. Germany and Algeria felt that the time was right to put into practice the concrete proposals made by France, the former USSR, and Canada, with regard to the setting up of international agencies under the auspices of the United Nations, entrusting them with monitoring functions in outer space.

"13. Some delegations of the Western Group considered that the United Nations Charter, the existing multilateral treaties relating to outer space, and the outer space related arms control provisions of other multilateral and bilateral treaties (such as the 1963 Partial Test Ban Treaty, the 1972 ABM Treaty, the 1977 ENMOD Convention, the 1986 Convention on Assistance in case of a Nuclear Accident or Radiological Emergency, the 1992 International Telecommunication Constitution and Convention, and the 1993 START II Treaty), together with customary international law, as well as the domestic law of individual nations, interacted and complemented each other in such a way, that together they provided an equitable, practical, balanced and extensive legal system for ensuring the use of outer space for peaceful purposes. Those delegations maintained that there was no arms race in outer space, nor was there any indication of significant on-going development by any State with respect to arms in space. Therefore, in their view there was no need for new legally-binding instruments, or a need to revise existing agreements in this respect. Instead, wider adherence to existing Agreements should be encouraged.

"14. Some delegations of two regional Groups stated that the end of the 'cold war' had brought considerable changes to the major space Powers' activities and to their national legislature. In particular it was mentioned that in August 1993 the 'Law of the Russian Federation on the space activity' had been adopted which corresponded to the existing international obligations of the country regarding the prevention of an arms race in outer space, and in certain aspects went even further. In March 1994 the United States of America announced a new policy on 'foreign access to remote sensing space capabilities'. It was characterized as an attempt in space-related security regulation and an example of the emerging need for concerted policy and legal action by the international community in the domain of 'space for security' uses.

"15. Various members of different regional groups viewed CBMs primarily as an important step on the way to the prevention of an arms race in outer space; others viewed CBMs, as such and independently, as useful measures which could increase confidence in relation to States' activities in outer space. In this regard, some delegations addressed anew, or further developed, proposals aimed at increasing the transparency of space operations generally, the range of information concerning satellites in orbit, as well as those that would establish rules of behaviour governing space operations. Some delegations suggested that the Committee should take advantage of the commonly shared view on the stabilizing role of CBMs and should start developing concrete CBMs, once their relevance and feasibility for arms control purposes would be agreed upon. In this connection some delegations furthermore proposed that the Committee start developing a regime of notification of launches of space objects and ballistic missiles which would supplement the 1975 Registration Convention, as well as CBMs on 'rules of the road' relating to space debris, manoeuvres in outer space, or the establishment of keep-out zones. Some delegations also noted that the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security, could facilitate developing concrete CBMs. Delegations of the Group of 21 and China emphasized that because of the supplementary and interim nature of CBMs, work in the Ad Hoc Committee should not be devoted solely to the formulation of CBMs and should in no way detract, retard or negatively affect, the attainment of its primary objective, namely, the conclusion of an international agreement, or agreements, on the prevention of an arms race in outer space, with a view to reinforcing the existing legal regime. Delegations of the Group of 21 felt that work on CBMs should be carried out in parallel with the primary concern and objective of the Ad Hoc Committee. Those delegations, along with China, believed that any CBMs agreed to should be ones which could form part of a legally-binding, multilaterally negotiated instrument on the prevention of an arms race in outer space. Egypt suggested that the countries with space activities could also voluntarily implement CBMs which they may agree to amongst themselves. Some delegations of the Group of 21 proposed that transparency and CBMs in outer space should be comprehensive and notification of space objects should extend to those objects launched in the past, even prior to 1975, and not limited only to the objects to be launched in the future. Some delegations of the Western Group, one delegation of the Eastern European Group, as well as one delegation not belonging to any regional Group, were of the opinion that this latter proposal was neither useful nor realistic.

"16. China, Egypt and India reiterated that work on terminology should serve the basic purpose of formulating new international legal instruments aimed at prevention of an arms race in outer space. Egypt and India stated that harmonization of work was however not likely unless a negotiating mandate is given to the Ad Hoc Committee. China further considered that the initial work on terminology should be the identification and clarification of relevant terms.

### "IV. CONCLUSIONS

"17. Closer coordination between the Ad Hoc Committee on Prevention of an Arms Race in Outer Space and the Committee on Peaceful Use of Outer Space on the issues of mutual concern was favoured."

## E. Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

33. At its 691st plenary meeting on 6 September 1994, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 666th plenary meeting (see para. 6 above). That report (CD/1275 as amended at the 691st plenary meeting), is an integral part of this report and reads as follows:

### "I. INTRODUCTION

"1. At its 666th plenary meeting on 25 January 1994, the Conference on Disarmament decided to re-establish for the duration of its 1994 session an Ad Hoc Committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (CD/1121). This decision on the re-establishment of the Ad Hoc Committee required that the Committee would report to the Conference on the progress of its work before the conclusion of the annual session.

### "II. ORGANIZATION OF WORK AND DOCUMENTS

"2. At its 671st plenary meeting on 17 February 1994 the Conference on Disarmament appointed Ambassador Baron Alain Guillaume of Belgium as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Centre for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. Between 24 February and 29 August 1994 the Ad Hoc Committee held 16 meetings. The Chairman also conducted informal consultations on specific concrete aspects of the agenda item, as well as several meetings with Group coordinators and other representatives.

"4. The following new documents were submitted to the Committee in connection with the item during the 1994 session:

| | |
|---|---|
| CD/1256 | Dated 31 March 1994 submitted by the Group of 21 entitled 'Declaration on the question of Negative Security Assurances' |
| CD/1277 and Corr.1 (English only) | Dated 6 September 1994, entitled Statement on behalf of the delegations of Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Kenya, Mexico, Mongolia, Morocco, Myanmar, Peru, Sri Lanka and Venezuela delivered at the 691st plenary meeting of the Conference on Disarmament held on 6 September 1994. |
| CD/SA/WP.18 | Working Paper entitled 'Preliminary and personal conclusions by the Chairman'. |
| CD/SA/WP.19 | Working Paper entitled 'The Response of the Syrian Arab Republic to the Questionnaire (CD/SA/WP.25) prepared by the Chairman of the Ad Hoc Committee'. |
| CD/SA/CRP.24 | 1994 Timetable of Meetings |
| CD/SA/CRP.25 | Questionnaire prepared by the Chairman |

## "III. SUBSTANTIVE WORK

"5. During the meetings of the Ad Hoc Committee, various Groups and individual delegations reaffirmed their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and Plenary Records, or further elaborated them, as described in the following paragraphs.

"6. At the suggestion of the Chairman, and in an effort to reassess the current political environment and the new favourable opportunities it provided, the Ad Hoc Committee devoted the entire second part of the annual session to an intensive informal exchange of views on the basis of a Questionnaire prepared by the Chairman (CD/SA/CRP.25) on such issues as threat perception, and especially nuclear threat, potential dangers to national and international security, the scope of guarantees and the right for protection, the beneficiaries and providers of guarantees, the scope and type of sanctions in a system of collective security, including a possible role for the United Nations, and the framework of a possible agreement. From a general point of view, the informal exchange of views was useful and highlighted areas of potential progress. However, at this stage of the discussions, no consensus had been reached.

"7. In parallel it was suggested by the Chairman to establish a drafting group to submit concrete proposals to the Ad Hoc Committee, but there was no consensus on this suggestion.

"8. The Ad Hoc Committee was informed that the five nuclear-weapon States held consultations on security assurances.

"9. All delegations reiterated that they attach particular importance to the question of international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and expressed their readiness to engage in a search for a mutually acceptable solution of the issue.

"10. The Group of 21 insisted on the legitimate character of the claims of non-nuclear-weapon States for negative security assurances and felt that there was a need to step up efforts, in the light of recent transformations in the international political climate and other positive developments, to agree on a common approach, and to proceed to negotiations with a view to reaching agreement as soon as possible.

"11. In a declaration issued on 31 March 1994 (CD/1256) the Group of 21 reiterated its conviction that the complete elimination of nuclear weapons was the only effective assurance against the use or threat of use of nuclear weapons and stressed the necessity to recognize the right of non-nuclear-weapon States not to be attacked nor threatened with these weapons. It reaffirmed the need to conclude a multilateral agreement of a legally-binding character, linking nuclear-weapon States and non-nuclear-weapon States and, in this context, suggested some principles on the basis of which such an agreement could be negotiated within the Conference on Disarmament.

"12. Some delegations belonging to the Group of 21 reiterated their view that non-nuclear-weapon States parties to the NPT or to regional nuclear weapon-free zones, or those who had signed a comprehensive safeguards agreement with the IAEA, were entitled to immediate, unconditional, legally-binding comprehensive security assurances, which would not be limited in scope, framework or duration, since they have already fulfilled their own engagement towards non-proliferation and nuclear disarmament.

"13. Some delegations of this Group also proposed, as a possible alternative to an international convention, to add to the Non-Proliferation Treaty an additional protocol embodying legally-binding nuclear security assurances.

"14. India referred to its Action Plan by which it advocated the conclusion of a convention to outlaw the use or threat of use of nuclear weapons, pending their elimination, as a measure collateral to nuclear disarmament. It stressed that partial and conditional pledges of non-use of nuclear weapons which may be undertaken by nuclear-weapon States, whether in a separate undertaking or in some common formula, would not provide real security to the non-nuclear-weapon States. Stressing that NSAs should not be used as a pretext for further discriminatory obligations on non-nuclear-weapon States, it found no links between NSAs and the 1995 NPT Review and Extension Conference, and insisted on the necessity to work towards the common approach on a common formula that could be included in an international instrument with a legally-binding character.

"15. Indonesia stated that negative security assurances was an issue that needed urgent and serious attention, particularly since it was bound to have some influence on both CTBT negotiations and the NPT Review and Extension Conference. It also recalled the importance that the Heads of State and Government of the non-aligned countries attached to a multilateral and legally-binding Convention governing the issue, as expressed during the

10th Summit in Jakarta in 1992 and reiterated by the non-aligned Foreign Ministers in Cairo in June 1994.

"16. The delegation of Myanmar stated that effective international arrangements or agreement on negative security assurances (NSAs) was a question of utmost importance in its own right. Such a step would ensure the security of non-nuclear-weapon States and would enhance international security. In addition, the importance of NSAs lay in the fact that effective international arrangements or agreement on NSAs and a comprehensive test ban treaty constituted two of the most crucial elements of an effective regime of the NPT. The present-day realities dictated that nuclear-weapon States should continue to carry forward the process of de-emphasizing the role of nuclear weapons. Myanmar considered that NSAs were a vital element of this process.

"17. The delegation of Pakistan recalled United Nations General Assembly resolution 48/73 of 1993, which was overwhelmingly adopted with 166 votes in favour and no votes against, and stated that there was a need to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These assurances, based on a common formula, should be given in a multilaterally-negotiated, legally-binding instrument. In the meantime, the nuclear-weapon States should provide unconditional assurances, without qualifications or exceptions, not to use or threaten to use nuclear weapons against all non-nuclear-weapon States.

"18. The Western Group welcomed the approach by the Chairman to search for new ideas and avenues to pursue the issue of negative security assurances in informal consultations with a view to re-assessing the question of security assurances in the light of recent changes in the international situation.

"19. The Western Group emphasized that security assurances should only be extended to non-nuclear-weapon States which had undertaken and were in compliance with commitments under the Non-Proliferation Treaty or any comparable internationally-binding agreements not to manufacture or acquire nuclear explosive devices. The Western Group recognized the legitimacy of the request for assurances against the use or threat of use of nuclear weapons by such non-nuclear-weapon States.

"20. The Western Group expressed the view that the question of security assurances should be reassessed in the context of recent changes in the international situation. In view of the end of the Cold War and the emergence of new threats, in particular the increased danger of nuclear proliferation, the issue of security assurances deserved to be considered in a wider perspective.

"21. All members of the Western Group recognized the importance of existing unilateral assurances and expressed support for the efforts of the five nuclear-weapon States to harmonize the content of their existing assurances. A number of delegations also supported the idea of a multilaterally-negotiated international agreement or a mandatory United Nations Security Council resolution on the issue of security assurances.

"22. The Western Group supported the search for a solution acceptable to all relevant parties.

"23. France considered that the question of security assurances involved at the same time the international responsibilities of the acknowledged nuclear Powers, respect for commitments entered into as regards non-proliferation, and defence imperatives. As a nuclear Power, France fulfilled its obligations since it already granted security assurances to non-nuclear-weapon States which had undertaken to retain that status. It stood ready to harmonize the terms of its declaration with the other nuclear Powers. As far as non-proliferation commitments were concerned, France considered that only States that had entered into legally-binding international undertakings, such as accession to the NPT, and complied with them, should benefit from these security assurances. This requirement was all the more necessary since heightened risks of proliferation were creating new threats to international security. Lastly, the defence policy of France rested on the maintenance of nuclear capabilities whose sole purpose was to deter any aggressor from harming its vital interests. France was prepared to pursue efforts to reach an acceptable solution to this question which took account of these three elements.

"24. The United Kingdom expressed their deep concern about the possible proliferation of nuclear weapons, as well as the potential threats from other weapons of mass destruction and from advanced conventional weapons. This formed part of the security context in which the United Kingdom approached the issue of security assurances. The United Kingdom recognized the importance which many countries attached to security assurances. They stressed the continuing validity of their unilateral security assurances which were solemn and formal undertakings. At the same time, they had been working with other nuclear weapon States to try to devise a joint text on assurances which might offer further reassurance to non-nuclear-weapon States. However, no one should lose sight of the simple fact that non-nuclear-weapon States parties to the Non-Proliferation Treaty or to other internationally-binding and verifiable commitments not to manufacture or acquire nuclear explosive devices already benefited from security assurances from the United Kingdom. By linking the assurances to the NPT and IAEA safeguards, the United Kingdom believed they were supporting the non-proliferation objectives to which the international community was committed.

"25. The United States of America recalled its solemn and binding unilateral security assurance of 1978, a position that had been reiterated by every subsequent Administration. It emphasized that it continued to work actively toward the goal of a common negative security assurance formulation applicable to non-nuclear-weapon States parties to the Non-Proliferation Treaty or to another comparable internationally-binding commitment not to acquire nuclear explosive devices. Of course, non-nuclear-weapon States must be in compliance with these undertakings to be eligible for any negative security assurance. Substantial progress along these lines had already been achieved as demonstrated by the 14 January 1994 trilateral statement issued in Moscow (CD/1243) which noted the willingness of the United States, Russia, and the United Kingdom to affirm a common negative security assurance to Ukraine once it accedes to the Non-Proliferation Treaty.

"26. The delegation of China supported the negotiation and early conclusion of an international agreement on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States, which would have a positive impact on the

CTBT negotiations and the NPT Review Conference of 1995. It reiterated its commitment that at no time, and under no circumstances, would it be the first to use nuclear weapons, and that it would not use nuclear weapons against non-nuclear-weapon States and nuclear weapon-free zones. It called on the five nuclear-weapon States to negotiate and conclude an international agreement on the non-first-use of nuclear weapons, as the time was ripe to do so in the present international situation.

"27. The delegation of Romania expressed the view that an arrangement in this area should essentially be premised upon a universal and legally-binding international agreement providing for negative as well as positive security assurances that were global in scope, uniform and comprehensive, and ensured equality of the States renouncing the acquisition of nuclear weapons through multilateral treaties. At the same time, the search for a solution to the problem of security assurances should not leave aside the United Nations, which had considerably enhanced its role and credibility in maintaining international peace and security. Therefore it favoured the idea of a Security Council confirmation, on a broader basis, of the commitments which were originally undertaken in United Nations Security Council Resolution 255 of 1968.

"28. The Russian Federation stated that it considered it proper and desirable to work out in the Conference on Disarmament a multilateral, legally-binding agreement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It considered that assurances to be given by the five nuclear-weapon States should be in direct linkage with the commitments undertaken by non-nuclear weapon States within the NPT. At the same time, the Russian delegation confirmed that it deemed it important to develop a common formula through negotiations among the five nuclear Powers as a necessary stage in the elaboration of the above-mentioned multilateral agreement. Such a common formula could be confirmed by a mandatory resolution of the United Nations Security Council. The Russian delegation also reiterated the legally-binding character of the unilateral Russian declaration on NSA, as formulated in the recently adopted Russian Military doctrine.

"29. The delegation of Sweden held the view that as long as nuclear arms existed there remained a need for the non-nuclear-weapon States to receive firm assurances against the use or threat of use of such weapons. States which had forsworn the nuclear option by adhering to the Non-Proliferation Treaty or other legally-binding international agreements, and effectively abided by them, had indeed a legitimate right to enjoy such assurances. A solution to this issue was, in fact, long overdue. The optimal solution would be a multilateral treaty, whereby the nuclear-weapon States would unambiguously, and without reservations, commit themselves not to use or threaten to use nuclear weapons against non-nuclear-weapon States.

## "IV. CONCLUSIONS AND RECOMMENDATIONS

"30. The Ad Hoc Committee reaffirmed that, pending the effective elimination of nuclear weapons, non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons. There was general agreement that a discussion on negative security assurances could not be conducted in isolation from a general assessment of the security situation both at regional and global levels. At the same time, it was felt that this Committee should concentrate on the question of security assurances related to nuclear weapons and that an eventual solution on the issue of NSAs might also involve addressing the problem of positive assurances and build on the principles contained in United Nations Security Council resolution 255 of 1968.

"31. It was felt that any further discussion on the issue of negative security assurances should take into full account the outcome of the 1994 deliberations in the Committee as well as the recommendations and suggestions of the previous sessions."

## F. New Types of Weapons of Mass Destruction and New Systems of Such Weapons; Radiological Weapons

34. The Conference did not establish an Ad Hoc Committee on this agenda item during the 1994 session. During plenary meetings of the Conference, some delegations reaffirmed or further elaborated their respective positions on the agenda item, the detailed descriptions of which were duly recorded in the previous annual reports of the Conference, related official documents and working papers, as well as plenary records. The status of work on the agenda item is reflected in paragraphs 79-82 of the 1992 report of the Conference to the General Assembly of the United Nations (CD/1173).

## G. Comprehensive Programme of Disarmament

35. The Conference did not establish an Ad Hoc Committee on this agenda item during the 1994 session. During plenary meetings of the Conference, some delegations reaffirmed or further elaborated their respective positions on the agenda item, the detailed descriptions of which were duly recorded in the previous annual reports of the Conference, in particular paragraphs 83-89 of the 1992 report to the General Assembly of the United Nations (CD/1173), related official documents and working papers, as well as plenary records.

## H. Transparency in Armaments

36. At its 691st plenary meeting on 6 September 1994, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 666th plenary meeting (see para. 6 above). That report (CD/1274 as amended at the 691st plenary meeting), is an integral part of this report and reads as follows:

### "I. INTRODUCTION

"1. At its 666th plenary meeting, on 25 January 1994, the Conference on Disarmament decided to re-establish the Ad hoc Committee on Transparency in Armaments for its 1994 session with the mandate as contained in document CD/1150.

"2. At its 668th plenary meeting, on 1 February 1994, the Conference on Disarmament appointed Ambassador György Boytha of Hungary as Chairman of the Ad hoc Committee. Mr. Jerzy Zaleski, Political Affairs Officer, Centre for Disarmament Affairs, served as Secretary of the Ad hoc Committee.

## "II. ORGANIZATION OF WORK AND DOCUMENTS

"3. The Ad hoc Committee held 22 meetings from 15 February to 29 August 1994.

"4. In accordance with the decision of the Conference adopted at its 603rd plenary meeting on 22 August 1991, the Ad hoc Committee was open to all non-member States invited by the Conference, upon their request, to participate in its work.

"5. Following consultations on the organization of work, at its third meeting, on 1 March 1994, the Ad hoc Committee adopted the following Programme of Work for the 1994 Session:

> 'In accordance with operative paragraph 5 of United Nations General Assembly resolution 48/75 E of 16 December 1993 which encourages the Conference on Disarmament to continue its work undertaken in response to the requests contained in paragraphs 12 to 15 of resolution 46/36 L, and pursuant to the decision by the Conference on Disarmament to establish an Ad hoc Committee on Transparency in Armaments (CD/1239) for the 1994 session, the Ad hoc Committee on Transparency in Armaments decides to adopt the following programme of work for 1994:
>
> '1. Examination of interrelated aspects, and elaboration of universal and non-discriminatory practical means to increase openness and transparency related to:
>
> a - excessive and destabilizing accumulation of arms;
>
> b - military holdings;
>
> c - procurement through national production.
>
> '2. Addressing the problem of, and the elaboration of practical means to increase openness and transparency, in accordance with existing legal instruments, related to:
>
> a - transfer of high technology with military applications;
>
> b - weapons of mass destruction.
>
> 'In accordance with section "H. Transparency in Armaments" of the 1993 annual report of the Conference on Disarmament (CD/1222) and paragraph 48 in particular, the Ad hoc Committee will address the above mentioned issues with a view to examining existing and any new proposals and identifying areas of convergence. The Ad hoc Committee, having also taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development, will report to the Conference on Disarmament on its work before the conclusion of its 1994 session.'

"6. In addition to the documents of the previous sessions related to this item, the following official documents were submitted during the annual session:

- CD/1246 (also issued as CD/TIA/WP.19), dated 21 February 1994, submitted by the delegation of the United States of America, entitled 'Letter dated 18 February 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the President of the Conference on Disarmament containing the United States views on the continuing operation and further development of the United Nations Register of Conventional Arms';

- CD/1247 (also issued as CD/TIA/WP.21), dated 28 February 1994, submitted by the delegation of the Netherlands, entitled 'Views on the complementarity of the responsibilities of the UN Secretary-General and the Conference on Disarmament under the rubric "Transparency in Armaments"';

- CD/1257 (also issued as CD/TIA/WP.25), dated 17 May 1994, submitted by the delegation of Romania, entitled 'Letter dated 17 May 1994 from the Representative of Romania to the Conference on Disarmament addressed to the President of the Conference on Disarmament containing the Romanian views and a working paper on the proposal for a Code of Conduct for the international transfers of conventional arms';

- CD/1259 (also issued as CD/TIA/WP.26), dated 24 May 1994, submitted by the delegation of the United States of America, entitled 'Letter dated 24 May 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the President of the Conference on Disarmament enclosing a document on behalf of Belgium, Canada, France, Germany, Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America containing a working paper on military holdings and procurement through national production';

- CD/1260 (also issued as CD/TIA/WP.29), dated 6 June 1994, submitted by the delegation of the Federal Republic of Germany, entitled 'Letter dated 30 May 1994 from the Deputy Head of Delegation of the Federal Republic of Germany to the Conference on Disarmament addressed to the President of the Conference on Disarmament enclosing a document containing the comments of the Federal Republic of Germany on the maintenance of the United Nations Register of Conventional Arms and its possible further development'.

"7. The following Working Papers were presented to the Committee during the annual session:

- CD/TIA/WP.19 (also issued as CD/1246);

- CD/TIA/WP.20, dated 25 February 1994, submitted by the delegation of the United States of America, entitled 'Statement by the United States of America on behalf of the Western Group';

- CD/TIA/WP.21 (also issued as CD/1247);

- CD/TIA/WP.22, dated 3 March 1994, submitted by the delegation of the People's Republic of China, entitled 'Letter dated 3 March 1994 from the

Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the Chairman of the Ad Hoc Committee on Transparency in Armaments transmitting a "Statement by the Chinese delegation"';

- CD/TIA/WP.23, dated 10 March 1994, submitted by the delegation of the People's Republic of China, entitled 'Position of the Chinese delegation on transparency in military holdings and procurement through national production and the question of the United Nations Register of Conventional Arms';
- CD/TIA/WP.24, dated 28 March 1994, submitted by the delegation of the People's Republic of China, entitled 'Position of the Chinese Delegation on the question of excessive and destabilizing accumulation of arms';
- CD/TIA/WP.25 (also issued as CD/1257);
- CD/TIA/WP.26 (also issued as CD/1259);
- CD/TIA/WP.27, dated 24 May 1994, entitled 'Working Paper submitted by India';
- CD/TIA/WP.28, dated 26 May 1994, submitted by the delegation of the Netherlands, entitled 'Proposal for a confidence-building measure on the global exchange of military information concerning the organization, structure and size of armed forces';
- CD/TIA/WP.29 (also issued as CD/1260);
- CD/TIA/WP.30, dated 25 July 1994, submitted by the delegation of Italy, entitled 'A possible C.B.M.: declaration of the conversion/closure of military production facilities';
- CD/TIA/WP.31, dated 4 August 1994, submitted by the delegation of the Russian Federation, entitled 'International data exchange on military holdings and procurement through national production';
- CD/TIA/WP.32, dated 4 August 1994, submitted by the delegation of Egypt, entitled 'Statement on transparency in armaments by Algeria, Cuba, Egypt, Ethiopia, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Nigeria, Pakistan, Peru, Sri Lanka, Venezuela and Zaire'.

"8. In addition, the following conference room papers were before the Ad hoc Committee:

- CD/TIA/CRP.6, dated 17 February 1994, submitted by the delegation of the Netherlands, entitled 'Letter dated 11 February 1994 from the Chairman of the Group of Governmental Experts on the United Nations Register of Conventional Arms addressed to the Chairman of the Ad Hoc Committee on Transparency in Armaments';
- CD/TIA/CRP.7, dated 1 March 1994, entitled 'Timetable of Meetings';
- CD/TIA/CRP.8, dated 1 March 1994, entitled 'Programme of Work';

- CD/TIA/CRP.9 and Rev.1, 2 and 3 dated 5, 23, 24 and 25 August 1994, respectively, entitled 'Draft Report of the Ad hoc Committee on Transparency in Armaments';

- CD/TIA/INF.2/Rev.1/Add.1, dated 9 March 1994, entitled 'Statements made in the Conference on Disarmament on Agenda item 8: Transparency in Armaments (CD/PV.657-CD/PV.672: 29.07.1993-24.02.1994)'.

## "III. SUBSTANTIVE WORK DURING THE 1994 SESSION

"9. During the meetings of the Ad hoc Committee on Transparency in Armaments, the various Groups and individual delegations reaffirmed their respective positions recorded in the relevant sections of previous annual reports of the Conference on Disarmament, related documents and plenary records of the Conference and in working papers of the Ad hoc Committee on Transparency in Armaments or further elaborated on them as indicated in subsequent paragraphs. A number of delegations addressed the question of transparency in armaments during plenary meetings of the Conference on Disarmament as contained in official records of the Conference.

"10. A general view was maintained that increased openness and transparency in the field of armaments could enhance confidence, ease tensions, strengthen regional and international peace and security, contribute to restraint in military production and the transfer of arms and could, together with other appropriate mechanisms, contribute to the prevention of armed conflicts. It was underlined that transparency is not an end in itself, nor is it to be pursued for its own sake. It was also recognized that the establishment of the United Nations Register of Conventional Arms constituted a step forward in the promotion of transparency in military matters and that it needed to be further improved.

"11. A large number of delegations from the Group of 21 maintained that the work of the Ad hoc Committee had to be devoted solely to issues specifically mentioned in its mandate, and with respect to any discussions on 'interrelated aspects' not specifically referred to in the Ad hoc Committee mandate, a view was expressed that a comprehensive list of such aspects should be drawn up and dealt with in an orderly manner once agreement has been reached on it. These delegations further considered that in order to be an effective confidence-building measure, transparency must apply to all armaments, including weapons of mass destruction and their means of delivery, high technology with military applications and all types of advanced conventional weapons. They were also of the view that these ideas had to be considered in the context of the expansion of the United Nations Register which could only achieve universality if it was perceived by all States as a balanced and non-selective mechanism. In this context 16 delegations from the Group of 21 were of the view that the efforts that the international community has been undertaking in the fields of openness and transparency will only be crowned with lasting success when all States in all regions of the world feel that their participation in transparency measures serves their security interests.

"12. The Western Group, the delegations of the Eastern European Group, and other delegations disagreed with the interpretation given by some members of the Group of 21 to the mandate of the Ad hoc Committee on Transparency in Armaments. The clear wording of the mandate referred to the need for discussion, inter alia, of interrelated aspects related to excessive and destabilizing accumulation of arms. They considered, therefore, that there were no grounds for restricting discussion to issues related solely to the United Nations Register of Conventional Arms and that the Ad hoc Committee should not be constrained by such issues. These delegations believed that the Ad Hoc Committee should address also other issues related to openness and transparency in the conventional field such as a proposal for guidelines for international transfers of conventional arms, the size and organization of armed forces, declaration of closure or conversion of military production facilities, and regional approaches in the field of transparency. They believed that transparency in armaments reflected an opportunity to shift the Cold War preoccupation with the danger of nuclear war and address other pressing concerns such as the excessive and destabilizing accumulation of conventional arms, and also offered the opportunity to negotiate realistic, useful, and practical means to increase openness and transparency in this field.

"13. All delegations were of the view that transparency in armaments should respect the principle of undiminished security for every State. The delegation of China expressed also the view that specific measures in that field should be appropriate and feasible and be defined by all States through negotiations. The delegation of China and some other delegations believed that action on transparency in armaments depends on the requisite international environment and every State should be allowed to select measures corresponding to its own specific circumstances voluntarily and on an equal footing.

"14. There was a prevailing view that the United Nations Register of Conventional Arms needed to be developed in such a manner as to encourage universal participation. Some delegations were in favour of a gradual expansion of the Register. Some delegations were of the view that it could be done, for example, by establishing new categories or by requiring broader and more detailed information. A number of delegations were of the view that universal participation in the Register could best be promoted by its rapid expansion to include all types of advanced arms rather than by maintaining the present seven categories of conventional arms which, alone, do not satisfy the security concerns of many countries as testified to by the limited participation in the Register during its first two years of operation. Other delegations believed that, at this stage, efforts should be focused on consolidation of the Register on the basis of the review of its operation during its first year, and maintained that its expansion should be approached with caution. Views were expressed that since non-discrimination is one of the principles for the Register, the categories of the Register had to be defined in a way that did not harm the security interests of reporting States. This was of vital concern, especially to States not members of military alliances. In this connection, an idea was advanced concerning the establishment of an adequate system of procedures for clarification on consultations between States on bilateral, regional or multilateral basis in such cases. Other proposals included the possibility of elaboration of a single definition of arms transfers or provision by the reporting States of their own definition, on the basis of which submissions to the Register were prepared. A view was also expressed that certain analysis or interpretation of data submitted to the United Nations Register of Conventional Arms, made by a competent United Nations staff, would render it a more useful instrument of confidence-building. In such a way, the Register could play a role of a more reliable early warning system to alert the international community to excessive and destabilizing accumulation of arms. Many delegations welcomed the encouraging results of the United Nations Register during its first two years of operation as contributing to an enhanced level of transparency in conventional armaments, and to increased confidence building and security among States. These delegations encouraged all member States of the United Nations to participate in the Register, including the submission of nil reports where applicable. The delegation of India, in its working paper (CD/TIA/WP.27), pointed out that certain inconsistencies in data reported to the Register underlined difficulties in the operation of the Register and could have a bearing on its perception as an effective confidence-building measure. It also stressed that success of the Register would depend on wider adherence and simultaneity, and on whether it tends to have an impact on disarmament and development and whether it restrains the major arms suppliers in the production and transfers of arms which are excessive and destabilizing in nature. That view was shared by the delegation of China, which further emphasized that the standardization of the Register should also be enhanced.

"15. Some delegations held that the Ad Hoc Committee could proceed to the elaboration of concrete and specific confidence-building measures on openness and transparency in the field of armaments which would be universal and of a politically binding nature and which could be then implemented on global and regional levels. A view was also expressed that it might be feasible to implement initially certain confidence-building measures on a regional level before recommending them for universal application. A view was also expressed that the proliferation of a multitude of instruments covering various aspects of the transparency question must be avoided in order not to complicate reporting requirements, and that work should instead focus on the expansion of the United Nations Register.

### "A. Military holdings and procurement through national production

"16. Discussions devoted to the issue of elaboration of universal and non-discriminatory practical means to increase openness and transparency related to military holdings and procurement through national production focused to a great extent on the question of appropriate definitions and agreement seemed to crystallize about their necessity.

"17. Many delegations belonging to the Western Group and to the Eastern European Group respectively and other individual delegations maintained that the voluntary exchange of data on military holdings and procurement through national production would enhance openness in particular in relation to States that do not depend predominantly or exclusively on arms imports to meet their defence requirements. In combination with existing transparency measures relating to conventional arms transfers, such a confidence-building measure would contribute towards a more balanced and non-discriminatory approach to the concept of the United Nations Register of Conventional Arms. In their opinion it could also contribute to ensuring universal participation in the United Nations Register. These delegations were in favour of broad definitions of military holdings and procurement through national production, descriptive in nature and containing a set of clear parameters. With regard to a mechanism for exchanging data, they considered that it would be most effective if the data were reported to the United Nations Register in the same format of seven categories of armaments and by the same date, that is, by 30 April of each calendar year. Subsequently, eight delegations belonging to the Western Group submitted a joint working paper containing proposals of definitions of relevant terms and modalities of reporting relevant data to the Register (CD/1259, issued also as CD/TIA/WP.26). Delegations of Australia and Japan supported the general thrust of the working paper. The delegation of the Russian Federation, for its part, also proposed modalities of reporting relevant data to the Register and presented a working paper (CD/TIA/WP.31) developing further its definitions of military holdings and procurement through national production.

"18. Sixteen delegations belonging to the Group of 21 were in favour of the expansion, at the appropriate time, of the United Nations Register to include military holdings and procurement through national production. Such an expansion, however, must take place after the present shortcomings of the United Nations Register are redressed. They considered that information submitted to the Register would naturally cover all advanced arms whether in active service, in stockpiles, stationed or deployed inside or outside national territory or territorial waters, in outer space, as part of a leasing arrangement or any type of military support commitment, etc. Some delegations of the Group of 21 also continued to stress the importance of the elaboration of acceptable definitions of the relevant terms and expressed their reservations with regard to definitions of military holdings and procurement through national production presented so far. These delegations advocated much wider scope, going beyond the present seven categories of the Register, which would include all categories and types of arms, in particular, weapons of mass destruction and their means of delivery, arms maintained in stocks or in storage and weapons undergoing research, development, testing or evaluation.

"19. The delegation of China, stressing that transparency in armaments should serve as a means of strengthening peace, stability and security of States and regions, expressed strong reservations with regard to a proposal to expand the Register by incorporating military holdings and procurement through national production. In its view, transparency in that field would involve sensitive military information and the present international environment and conditions were not ripe enough for all States to introduce transparency measures in this field. It also considered necessary to explore and clarify the relevant concepts and definitions.

"20. Many delegations belonging to the Western Group and to the Eastern European Group respectively and other individual delegations strongly believed that the exchange of data on military holdings and procurement should not include weapons undergoing research, development, testing and evaluation since, at that stage, they were not under the operational control of armed forces nor considered militarily significant. In addition, given their limited quantity they could not contribute to the excessive and destabilizing accumulation of arms, nor constitute a threat to peace and security. The Russian Federation expressed the view that such equipment should not be included in an exchange of data because it was not put in service in the armed forces. These delegations believed also that this exchange should exclude weapons undergoing manufacture, decommissioned or subject to destruction, awaiting export, or belonging to historical collections.

"21. Delegations belonging to the Group of 21, on the other hand, believed that introduction of new weapons in some regions could destabilize existing balance and jeopardize their stability, hence, transparency in the field of research, development, testing and evaluation would add an element of predictability to activities related to the development of new weapons, could serve the strengthening of confidence and indicate, in advance, negative trends in accumulation of arms. The delegation of India referred to the role of research and development in the upgrading of weapons which when supplied to the areas of tension can also play a destabilizing role. A view was expressed that given the fact that all weapons are continuously subjected to a process of research, development, testing and evaluation and that weapons which are technically still in such a process do represent a threat and are the very weapons which tomorrow can become excessive and destabilizing, introducing transparency into this field would significantly lessen suspicion and re-assure States in a mutual way about each other's intentions. A view was also expressed that the details of the exchange of information and the stage of development at which data should be reported, needed to be thoroughly examined in order to ensure, inter alia, that transparency did not, in any way, undermine security, as well as the industrial and commercial interests of States concerned.

### "B. Transfers of high technology with military applications and weapons of mass destruction

"22. Some delegations belonging to the Group of 21 believed that inclusion of data on transfers of high technology with military applications into the Register could facilitate its balance. Given the importance and potentially destabilizing nature of transfers of high technology with military applications, 16 delegations of the Group of 21 considered it most appropriate to analyse ways and means of ensuring the transparency of such transfers which should be governed by multilaterally negotiated, universally applicable and non-discriminatory treaties. Reporting all transfers of high technology with military applications to the United Nations Register is essential to ensure genuine transparency. A number of these delegations expressed the view that such an expansion of the Register would not complicate the process of submission of data since only a limited number of States were engaged in such transfers and they occurred less frequently than transfers of weapons. In this connection, some delegations stressed the need for facilitating the access of developing States to high technology and referred to paragraph 53 of the Final Document adopted by the Conference of Foreign Ministers of the Non-Aligned Movement in Cairo (CD/1261), in which the objection was expressed to the continued functioning of ad hoc export control groups on the pretext of the non-proliferation of armaments, since they could impede the economic and social development of developing countries. In this respect, some delegations from the Group of 21 called for transparency on export control regimes, including their internal structure, their detailed plans and future policies.

"23. The delegation of China expressed the view that the key issue in the question of transfers of high technology was, on the one hand, the necessity to abolish the discriminatory and unfair control and limitation regimes set up by a minority of States and, on the other, how to guarantee the developing countries' legitimate right to acquire the high technology which they need for developing their economies and ensuring the requisite defensive capabilities.

"24. The Western Group, the delegations of the Eastern European Group, and other individual delegations did not believe that information on transfers of high technology with military applications could be included in the United Nations Register of Conventional Arms in its present form. These delegations noted that there had been no concrete proposals explaining how transfers of high technology with military applications might be included in the Register nor was there any indication as to the parameters for such inclusion. Furthermore, a number of delegations advocated instead an exchange of information on national legislation and regulations on such transfers. The Western Group, the delegations of the Eastern European Group, and other delegations agreed with the importance of ensuring access to high technology for peaceful purposes. Furthermore, export licensing measures were entirely consistent with existing international agreements and were in no way designed to restrict access to technology for commercial reasons. These measures had been developed solely to ensure that the supply of certain technologies could not be diverted for non-peaceful use, and thereby furthered global efforts to prevent the proliferation of weapons of mass destruction and the excessive and destabilizing accumulation of conventional weapons. Consequently, they rejected any suggestion that national licensing measures could be conducted as a pretext for any other activity.

"25. Pending the banning and complete elimination of all weapons of mass destruction, most delegations of the Group of 21 and other individual delegations strongly supported the idea of including all such weapons in transparency measures. Most delegations of the Group of 21 further believed that annual information transmitted to the United Nations Register on the production, number, type, location and movement of all weapons of mass destruction would go a long way towards building confidence and trust and ensuring the reliability and credibility of the Register. While recognizing that there already existed legal instruments covering various types of such weapons they were, nevertheless, of the view that, pending the universal adherence to all those instruments and the full implementation thereof, a certain degree of transparency with respect to weapons of mass destruction must be ensured. Delegations belonging to the Group of 21 also maintained that such weapons were both excessive and destabilizing by their very nature and they should, therefore, be considered as an integral part of the work of the Ad Hoc Committee and, in general, of transparency in armaments. The delegation of India stated that the Non-Proliferation Treaty was often cited in the discussions regarding transparency in weapons of mass destruction but it was essential that the discriminatory nature of that instrument should also be taken into account when that instrument was discussed.

"26. The delegation of China maintained that the relevant issues of transparency with regard to weapons of mass destruction have been or are being dealt with within the framework of the specific treaties, conventions or agreements concerning such weapons. The ultimate solution to the weapons of mass destruction is the complete prohibition and thorough destruction of these weapons. In view of China, it would be conducive to the promotion of transparency with regard to nuclear weapons if nuclear-weapon States undertake not to be the first to use nuclear weapons and to provide security assurances to non-nuclear weapon States.

"27. Other nuclear-weapon States made clear during the course of the discussions in the Ad hoc Committee that they disagreed with this last position of China. They also stressed that they did not regard these issues as relevant to the work of the Ad hoc Committee on Transparency in Armaments.

"28. The Western Group, the delegations of the Eastern European Group, and other delegations opposed the inclusion of weapons of mass destruction in the United Nations Register of Conventional Arms on the basis that to do so would imply international acceptance of the transfer of such weapons. These delegations held the view that a transparency instrument, by its very nature, can only encompass legitimate activity. They advocated universal adherence to existing treaties on weapons of mass destruction and full implementation of their provisions, including relevant transparency measures. Some delegations questioned the assumption that such weapons were excessive and destabilizing by their very nature and pointed to the destabilizing effect of a massive accumulation of conventional arms. At the same time, they did not exclude the possibility of consideration, by the Ad hoc Committee, of transparency measures related to weapons of mass destruction on the basis of concrete and substantive proposals.

"29. The reluctance of member States of the Eastern European and the Western Groups to broaden the scope of the Register to include weapons of mass destruction, among other things, led most delegations of the Group of 21 to reiterate their position not to continue the work of the Committee beyond 1994.

"30. Some delegations of the Western Group noted the views expressed by 16 delegations of the Group of 21. The statement was welcomed as a useful contribution, although it was regretted that time did not allow for fuller discussion of these views in the Ad hoc Committee in 1994. It was therefore hoped by these delegations that the substantive views outlined by the 16 delegations would be discussed thoroughly during the work of the Ad hoc Committee in 1995.

### "C. Examination of other interrelated aspects and elaboration of universal and non-discriminatory practical means to increase openness and transparency

"31. The delegation of Romania submitted a proposal for a code of conduct for the international transfers of conventional arms (CD/1257, issued also as CD/TIA/WP.25), aimed at furthering the debate on how to deal with excessive and destabilizing accumulation of conventional arms, at increasing openness and transparency in this field and at establishing universal and non-discriminatory principles and criteria to be followed by subscribing States in considering arms transfers, as a voluntary confidence-building measure. The proposal was welcomed by many delegations, which considered it an important contribution to the strengthening of confidence and understanding among States. These delegations also advocated commencement of substantive negotiations and drafting of such a code.

"32. The majority of delegations of the Group of 21, and the delegation of China, were of the opinion that the parameters used in the proposal, such as human rights as well as excessive and destabilizing accumulation of arms, are ambiguous and irrelevant, and could, therefore, run counter to the efforts of States to preserve their territorial integrity and to the rights of any States to self-defence as stipulated in Article 51 of the Charter of the United Nations. Delegations of the Group of 21 pointed out that the specific nature of different regions as well as threat perceptions and security considerations of various States would have to be taken into account and that these were not only based on the accumulation of conventional arms but also on that of weapons of mass destruction. Keeping all this in view, these delegations felt that it was too early to take a position on the proposed code of conduct. They, and the delegation of China even stressed that it was premature to consider negotiations on or drafting of a code. The delegation of China held the view that due to the fact that the United Nations Disarmament Commission has embarked on the discussion of international arms transfer issues, there is no need for the Conference on Disarmament to duplicate the work.

"33. Some delegations belonging to the Group of 21 expressed the view that the massive production of sophisticated advanced armaments is of great concern. In this respect they stressed the need to address this issue with the view to limit this production and to balance their transfer so that security of States in various regions will not be adversely affected.

"34. The delegation of the Netherlands submitted a proposal for a confidence-building measure on the global exchange of military information concerning the organization, structure and size of armed forces (CD/TIA/WP.28) and, subsequently, proposed to start a drafting exercise on the basis of its working paper. Both proposals enjoyed the support of the delegations of the Western Group and of many delegations of the Eastern European Group.

"35. A number of delegations belonging to the Group of 21 and the delegation of China considered, however, that the issue was outside the mandate of the Committee. The delegation of China, on the other hand, was of the view that the issue touched upon sensitive military information and that transparency in that field could be detrimental to the security of States. The delegation of India pointed to the difficulties and flaws that such a confidence-building measure, if propounded, would face in becoming a universal norm. It would not take into account factors like a country's geostrategic circumstances, its terrain, its economic and technical levels and hence would not be suitable for determining what is excessive and destabilizing. It also felt that available figures of military spending and transfer of conventional weapons should be sufficient to give an idea on the aggressive intent without going into question of armed forces.

"36. The delegation of China believed that in dealing with transparency problems, priority should be given to the issue of excessive and destabilizing accumulation of arms. In order to facilitate the measurement and judgement in this field, the delegation of China further elaborated its proposal concerning the exchange of certain relative figures - indices - and defined five of them, representing various relations between military expenditures, number of armed forces and the territory of a State (CD/TIA/WP.24). An analysis of the indices could, in its view, yield the general criteria of excessive and destabilizing accumulation of arms. The delegation of Indonesia stressed also that characteristics of a State has to be taken into account in addressing this issue. The United States presented a detailed briefing on the Chinese proposal, showing the implications and shortcomings of the quantitative indices. Subsequent examination of that proposal led the delegations of the Western Group and other delegations to the conclusion that such indices were irrelevant for making meaningful comparisons and that transparency and confidence-building were enhanced more through the exchange of direct data on transfers, military holdings, procurement through national production, size and organization of armed forces, and military expenditures rather that through secondarily derived indices. A number of delegations from the Group of 21 regarded such a conclusion as premature and believed that the Chinese approach deserved further consideration and refinement. Also, the delegation of the Netherlands concluded that there was some relationship between the Chinese proposal and its own that warranted their further consideration in order to reach a common understanding.

"37. The delegation of Italy further elaborated its proposal on a confidence-building measure concerning the declaration of the conversion or closure of the military production facilities, presenting two concrete formats for reporting such cases (CD/TIA/WP.30).

"38. The issue of openness and transparency in nuclear matters was also discussed, and a number of delegations considered that measures in this field could include, inter alia, a detailed inventory of all nuclear weapons, notification of any movement of nuclear weapons, a detailed notification of any manoeuvres involving nuclear weapons, and notification of any transportation as well as detailed inventory of weapons grade materials. Requested data could be incorporated into the appropriately expanded Register or in any other complementary mechanism.

"39. Consideration of the issue of excessive and destabilizing accumulation of arms revealed that it would be extremely difficult to arrive at agreed criteria in this regard, especially on a global level. While the vast majority of delegations belonging to the Group of 21 put, in this connection, emphasis on threats stemming from weapons of mass destruction, the delegations of the Western Group and the Eastern European Group were mainly concerned with threats related to accumulation of conventional weapons. In an effort to address this situation a number of delegations, including those from the various Groups, suggested that regional approaches to openness and transparency would allow for the adaption of the scope and volume of the exchange of information to the specific security perceptions in various regions.

"40. Many delegations supported the specific proposals of New Zealand and Japan with regard to regional approaches to overcoming some of the obstacles to participation in the Register, such as by creating stronger links between the Register and regional organizations, and through the application of the

Register on a regional and subregional basis. The New Zealand delegation also suggested other regional measures that could be developed in accordance with the guidelines and recommendations endorsed by the United Nations Disarmament Commission (document A/48/42). The delegation of Japan stressed the need for regional efforts, in parallel with global efforts, in the field of transparency. In this context, it welcomed the recent establishment and development of the ASEAN Regional Forum (ARF), which aimed at enhancing regional political and security dialogue, as an example for encouraging measures related to building confidence on regional basis and thereby promoting peace and security of this region. These views were supported by the delegations of Australia and New Zealand. The delegation of Indonesia shared the views expressed by the delegation of Japan. It is to be noted that Indonesia was among those countries that helped and promoted the establishment of this Forum. In this connection a number of delegations agreed that regional measures should complement and could help pave the way for global measures. There was broad agreement on the importance of regional approaches to transparency questions. A large number of delegations agreed that there was scope for the Committee to undertake further work on this subject. A view was expressed that the United Nations may take initiatives to promote regional cooperation and coordination and help establish necessary forums particularly in regions which have received significant amount of armaments including sophisticated advanced armaments in the recent years.

"41. The delegation of India stated that the most appropriate approach would be to encourage the voluntary regional efforts to help ensure universal adherence to the United Nations Register rather than attempt to create regional or subregional versions of the global register. It felt that States of a region could provide information to the Register based on a regional understanding which would be an entirely voluntary exercise taking regional specificities into account. The delegation of India further stated that it would be inappropriate for a global body to have regional prescriptions and these should best be left to the States of the regions themselves. It would be also premature to begin a top down process of setting up regional registers even while the performance and the future development of the global register are still being debated. The delegation of China believed that it was imperative that the transparency in armaments measures for each region be formulated and adopted by consensus by the States in the region through discussions on an equal footing and in accordance with their specific regional conditions. These measures should be practical and applicable. No region should try to impose their own model upon the others. It also held that owing to the widely divergent situations of different regions, it is impossible to find a common model which suits all regions. Therefore, the delegation of China was of the view that it is not appropriate for the Conference on Disarmament to discuss concrete regional transparency in armaments measures. On the issue of regional transparency in armaments measures, it also needs to be taken into consideration that considerable work has already been done in this regard by the United Nations Disarmament Commission, the First Committee of the United Nations General Assembly as well as various regional organizations and forums. The Conference on Disarmament should avoid repeating the work.

## "IV. CONCLUSIONS AND RECOMMENDATIONS

"42. During the 1994 session of the Conference on Disarmament, the Ad hoc Committee continued the examination of interrelated aspects and elaboration of universal and non-discriminatory practical means to increase openness and transparency in the field of armaments. Several new aspects were raised in addition to those already referred to in the previous reports of the Conference on Disarmament. A considerable part of it, devoted to consideration of topics which were suggested by various delegations, usually on the basis of their respective working papers, led to further elaboration of position of States and groups of States as well as to clarification and further development of ideas presented previously. Although agreement on those topics has not been reached, some progress in the understanding of the issues under consideration has been recognized."

## I. Consideration of Other Areas Dealing with the Cessation of the Arms Race and Disarmament and Other Relevant Measures

37. During its 1994 session, the Conference also had before it the following documents:

(a) CD/1233, dated 17 December 1993, entitled "Letter dated 14 December 1993 from the Deputy Permanent Representative of Canada addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting an arms control and disarmament publication, entitled 'Bibliography on Arms Control Verification: Second Update'".

(b) CD/1267, dated 1 August 1994, entitled "Letter dated 28 July 1994 from the Permanent Representative of Israel addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the decision of the Israeli Government to declare a two-year moratorium on the export of anti-personnel mines".

(c) CD/1269, dated 15 August 1994, entitled "Letter dated 12 August 1994 from the Leader of the delegation of the United Kingdom of Great Britain and Northern Ireland to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting a note regarding the proposal of the United Kingdom of Great Britain and Northern Ireland for a code of conduct for exports of anti-personnel landmines".

## J. Consideration and Adoption of the Annual Report of the Conference and any other Report as Appropriate to the General Assembly of the United Nations

38. The Conference recognized that in 1995 it would have a number of urgent and important areas for negotiation, which would be likely to draw heavily on its time and resources. It therefore recommended that the balance of future work be considered more fully by the Conference before it decides which Ad Hoc Committees, besides the Ad Hoc Committee on a Nuclear Test Ban, should be established in 1995. The Conference also requested the current President

and the incoming President to remain seized of these issues and conduct appropriate consultations during the intersessional period in order to come up with recommendations that would ensure the prompt and effective start of the work of its 1995 annual session on substantive issues.

39. The annual report to the forty-ninth session of the General Assembly of the United Nations, as adopted by the Conference on 7 September 1994, is transmitted by the President on behalf of the Conference on Disarmament.

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President of the Conference